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CORRESPONDENCE

REPORTS OF THE MINISTERS OF JUSTICE

AND

ORDERS IN COUNCIL

UPON THE SUBJECT OF

PROVINCIAL LEGISLATION.

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VOLUME II.

1885-1887.

COMPILED UNDER THE DIRECTION OF THE MINISTER OF JUSTICE

BY

W. E. HODGINS, M. A.,

Barrister-at-Law, of the Department of Justice.

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ONTARIO, 48TH VICTORIA, 1885.

2ND SESSION—5TH LEGISLATURE.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, TORONTO, 5th May, 1885.

SIR,—I have the honor to transmit for the information and approval of His Excellency the Governor General, certified copies of the Acts passed by the Legislature of this Province during its recent Session, held in the forty-eighth year of Her Majesty's reign.

I have, &c.,

(Signed) JOHN BEVERLEY ROBINSON,

Lieutenant Governor of Ontario.

The Honorable
The Secretary of State, Ottawa.

Secretary of State to Lieutenant Governor.

DEPARTMENT OF STATE, OTTAWA, 16th May, 1885.

SIR,—I have the honor to transmit to you herewith in order that you may be pleased to obtain the views of your Government upon the same, a copy of a communication addressed to the Hon. the Minister of Justice by Messrs. Walker & Scott, of the city of Hamilton, Barristers-at-law, on the subject of a Bill recently passed by the Legislative Assembly of the Province of Ontario, entitled: "An Act in respect of certain sums of money ordered by the Legislative Assembly to be impounded in the hands of the Speaker."

I have, &c.,

(Signed) J. A. CHAPLEAU,

Secretary of State.

His Honor
The Lieutenant Governor of Ontario, Toronto.

Messrs. Walker & Scott to Minister of Justice.

10 JAMES STREET SOUTH, HAMILTON, ONT., 14th April, 1885.

DEAR SIR,—We desire to call your attention to a Bill recently passed by Legislative Assembly of the Province of Ontario, entitled: "An Act in respect of certain sums of money ordered by the Legislative Assembly to be impounded in the hands of the Speaker." We enclose a copy of the Bill as assented to. When the $1,000 referred to was handed by McKim to the Speaker and before the House took any action in the matter, we, on behalf of our clients, Messrs. Stuart & Macpherson, attached the money under the garnishee clauses of the Com. L. P. Act. The Court,

the Common Pleas Division of the High Court of Justice, considered our claim to the money to be so well founded that it directed an issue to be tried, the form of which you will find with the decision arrived at by the Court reported in the Canada Law Journal, Vol. 21, p. 134 (current vol.). The issue was directed to be tried at the present assizes for the County of York, but in view of the possible passing of this Bill we arranged with the Deputy Attorney General of this Province that the trial should be postponed until the summer assizes for the County of York. We submit that your Government should disallow this Act. It is a direct interference with private rights, if our clients have any. We believe our clients have a legal right to this money. We are offered evidence that it was paid to McKim for services performed by him, and if the Act be not disallowed we are deprived of even the privilege of trying our client's rights in the ordinary course of the Courts of this Province.

We hope you will give this communication your consideration, and if further information or evidence is required before the Government can act, we shall be happy to supply it.

We have, &c.,

(Signed) WALKER & SCOTT.

Sir ALEX. CAMPBELL, K.C.M.G.,
Minister of Justice, Ottawa.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, TORONTO, 1st June, 1885.

SIR,—Adverting to your despatch of 16th ultimo, forwarding a copy of a communication addressed to the Hon. the Minister of Justice by Messrs. Walker and Scott, of the City of Hamilton, barristers at law, on the subject of an Act recently passed by the Legislative Assembly of this Province, entitled: "An Act in respect of certain sums of money ordered by the Legislative Assembly to be impounded in the hands of the Speaker," I have now the honor to inform you that in the view of my Government the Act referred to was and is a just measure, passed in the exercise of the undoubted legislative jurisdiction possessed by the Province, and with full knowledge and after full consideration by the Legislature of all the facts.

I have, &c.,

(Signed) J. B. ROBINSON,
Lieutenant Governor of Ontario.

The Honorable
The Secretary of State, Ottawa.

General Report of the Hon. the Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 24th February, 1886.

To His Excellency the Governor General in Council:

The undersigned having carefully considered the Acts mentioned in the schedule hereto, has the honor respectfully to recommend that they be left to their operation.

By Chapter 5, intituled: "An Act in respect of certain sums of money ordered by the Legislative Assembly to be impounded in the hands of the Speaker," the sums of $1,000 and $800 in the preamble of the Act stated to have been delivered by a certain person to two members of the Legislative Assembly for the purpose and under the hope of thereby influencing their votes as members of the Legislative

Assembly of Ontario were declared to be forfeited to Her Majesty for the public use of the Province of Ontario, and to have been so forfeited from the time such sums of money were by the members mentioned delivered to the Speaker of the Assembly, and the Act was declared to be a bar and discharge of any action which had been taken or might thereafter be brought against the Speaker by any person in respect of the said moneys or any part thereof.

It appears from a letter under date of the 14th April, 1885, from Messrs. Walker & Scott, of Hamilton, that prior to the passing of the said Act they had for their clients, Messrs. Stuart and Macpherson, attached this money in the hands of the Speaker of the Assembly under the garnishee clauses of the Common Law Procedure Act. On the ground that the Act is a direct interference with the rights of their clients, Messrs. Walker & Scott ask that it be disallowed. A copy of their communication being transmitted to the Lieutenant Governor of the Province of Ontario, he, in a despatch under date 1st June, 1885, states that in the view of his Government the Act referred to is a just measure passed in the exercise of the undoubted legislative jurisdiction possessed by the Province and with full knowledge and after full consideration by the Legislature of all the facts.

Without expressing any opinion as to whether the Act is a just measure or not, the undersigned is of opinion that it is within the undoubted legislative authority of the Legislature of that Province, and therefore respectfully recommends that it be left to its operation.

By Chapter 9, "An Act to regulate the fisheries of this Province," provision is made for the administration of fishing rights vested in the Crown in the right of the Province of Ontario.

By the 2nd section it is provided that the Act and its respective provisions apply to fisheries and rights of fishing in respect of which the Legislature of Ontario has the right to legislate. Some amendments were, at the request of the Minister of Justice, made in the Act during its passage through the Legislative Assembly, and while it is possible that the administration of the Act may possibly lead to some conflict with the administration of the Fisheries Act of the Dominion, the undersigned is of opinion that the power of disallowance should not be exercised in respect of it, and therefore recommends that it be left to its operation.

By the 13th section of Chapter 13, intituled: "An Act for further improving the administration of the Law," it is provided that the Clerk of the Crown of the Court of Queen's Bench sitting at Chambers, and the Master in Chambers, or any referee sitting for him, shall be held to have heretofore had, and in all matters of practice to have now, authority to do all such things, transact all such business and exercise all such authority and jurisdiction in respect of the same as by virtue of any statute of custom or by the rules and practice of any of the Superior Courts were at or before the time of the passing of the Ontario Judicature Act, 1881, or are now done, transacted or exercised by any Judge of the High Court sitting at Chambers with certain exceptions therein mentioned.

By the 21st section it is provided that the Judge of the County Court, other than the County of York, and the Local Master of the Supreme Court of Ontario shall, in all actions brought to their County, have concurrent jurisdiction with and the same power and authority as the Master in Chambers in all proceedings which are now determined at Chambers in Toronto.

The undersigned appreciates the advantage of having matters of practice so far as possible disposed of by Officers of the Court without devolving this additional labor upon the Judges. It is quite clear, however, that no one can be appointed Judge of the High Court of Justice, except by Commission from Your Excellency and it is not possible to constitute any one a Judge of either a Superior or County Court by a Provincial Statute.

It follows from this, the undersigned thinks, that the Legislature cannot confer upon any person the powers of a Judge. The difficulty, however, arises in determining how far the authority or jurisdiction professed to be given by these sections of

the Statute and by other similar provisions of law are such as belong to the Judicial Office.

The undersigned does not desire to do more than call attention to the provision, and respectfully recommends that the Act be left to its operation.

By Chapter 26, intituled: "An Act respecting assignments for the benefit of Creditors," it is, amongst other things, provided that every gift, conveyance, assignment or transfer, delivery over or payment of any property, real or personal, made by any person at a time when he is in insolvent circumstances or is unable to pay his debts in full, or knows that he is on the eve of insolvency with intent to defeat, delay or prejudice his creditors, or to give to any one or more of them a preference over his other creditors, or over any one or more of them, or which has such effect, shall, as against them, be utterly void.

It is then provided that nothing in the provision mentioned shall apply to any assignment for the purpose of paying rateably and proportionately and without preference or priority all the creditors of the debtor.

Provision is also made for the appointment of assignees and for the administration of the estate where an assignment for the general benefit of creditors is made.

The Act in substance is an Act respecting the administration of the estates of insolvent persons, and it is, the undersigned thinks, more than doubtful whether it is within the legislative authority of the Provincial Legislature.

That question, the undersigned understands, is now pending in the courts, and can, he thinks, be more conveniently settled in that way than in any other.

He therefore respectfully recommends that the power of disallowance be not exercised in respect of this Act.

Chapter 29, "An Act respecting Wages," makes provision, among other things, for giving priority to persons in the employ of one who makes an assignment for the general benefit of creditors or of an execution debtor under "The Creditor's Relief Act, 1880." The validity of this provision, so far as it relates to assignments by a person in insolvent circumstances probably depends upon the validity of the Act respecting assignments for the benefit of creditors, 48th Victoria, Chapter 26, before referred to.

By the 5th section of 48th Victoria, Chapter 29, it is provided that the Act shall not apply to assignments made under the provisions of any Act of the Parliament of Canada relating to or respecting bankruptcy or insolvency.

For the reasons given in respect of Chapter 27 the undersigned recommends that this Act be left to its operation.

All of which is respectfully submitted.

(Signed) JOHN S. D. THOMPSON,
Minister of Justice.

SCHEDULE.

STATUTES OF THE PROVINCE OF ONTARIO PASSED IN THE YEAR 1885.

Cap. 1. An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and eighty-five, and for other purposes therein mentioned.

Cap. 2. An Act to amend the laws relating to the Franchise and the Representation of the People.

Cap. 3. An Act to further amend the Voters Lists Act.

Cap. 4. An Act relating to the costs of Election Trials.

Cap. 5. An Act to amend the Act relating to the erection of new Provincial Buildings.

Cap. 7. An Act respecting amounts due to the Municipal Loan Fund.

Cap. 8. An Act to amend the Public Lands Act.

Cap. 10. An Act respecting aid to Tile, Timber and Stone Drainage.

Cap. 11. An Act to amend the Act respecting the Agricultural College.

Cap. 12. An Act to amend the Act respecting the Registration of Births, Deaths and Marriages.

Cap. 14. An Act to further amend the Division Courts Act.

Cap. 15. An Act to amend the law as to Garnishing Debts.

Cap. 16. An Act to confer on Notaries Public the powers of Commissioners.

Cap. 17. An Act respecting Police Magistrates for Counties.

Cap. 18. An Act to promote the Detection of Crime.

Cap. 19. An Act respecting appeals from Summary Convictions.

Cap. 20. An Act respecting the District of Rainy River.

Cap. 21. An Act for the preservation of the Natural Scenery about Niagara Falls.

Cap. 22. An Act to simplify Titles and to facilitate the Transfer of Lands.

Cap. 23. An Act to further amend the Registry Act.

Cap. 24. An Act respecting Saw Mills on the Ottawa River.

Cap. 25. An Act to render negotiable by endorsement certain Warehouse Receipts issued for crude Petroleum.

Cap. 27. An Act respecting the Registering of Chattel Mortgages and Bills of Sale.

Cap. 28. An Act to amend the Act to secure to Wives and Children the benefit of Life Insurance.

Cap. 30. An Act to amend the Act respecting Barristers-at-Law.

Cap. 31. An Act respecting the Study of Anatomy.

Cap. 32. An Act to amend the Ontario Joint Stock Companies Letters Patent Act.

Cap. 33. An Act to amend the Acts respecting Joint Stock Companies.

Cap. 34. An Act to amend the Revised Statutes respecting Joint Stock Companies for the erection of Exhibition Buildings.

Cap. 35. An Act to amend the Act respecting Mutual Fire Insurance Companies.

Cap. 36. An Act to regulate the Election of Directors of Mutual Fire Insurance Companies.

Cap. 37. An Act to authorize payment of money in lieu of Railway Aid Certificates, in certain cases.

Cap. 38. An Act respecting the Expropriation of Lands for Public Cemeteries.

Cap. 39. The Municipal Amendment Act, 1885.

Cap. 40. An Act to amend the Municipal Act in relation to Hawkers and Peddlers.

Cap. 41. An Act respecting Municipalities in Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay.

Cap. 42. An Act to further amend the Assessment Act.

Cap. 43. An Act to amend the Liquor License Act.

Cap. 44. An Act to provide for the better observance of the Lord's Day, commonly called Sunday, by prohibiting Sunday Excursions of certain kinds.

Cap. 45. An Act to make further provision regarding the Public Health.

Cap. 46. An Act to amend the Act to impose a Tax on Dogs, and for the protection of Sheep.

Cap. 47. An Act to amend the Ditches and Watercourses Act, 1883.

Cap. 48. An Act respecting the Education Department.

Cap. 49. An Act to consolidate and amend the Public Schools Act.

Cap. 50. An Act to consolidate and amend the High Schools Act.

Cap. 51. An Act respecting the property of insane persons in Gaols.

Cap. 52. An Act to amend the Act providing for employing persons without the walls of Common Gaols.

Cap. 53. An Act to make further provision respecting Private Asylums for insane persons

Cap. 54 An Act to legalize a certain By-law of the Village of Alliston.

Cap. 55. An Act respecting a certain By-law of the Village of Beamsville.

Cap. 56. An Act to consolidate the debenture Debt of the Town of Durham.

Cap. 57. An Act to authorize the Corporation of the Village of Sussex Centre to borrow certain Moneys.

Cap. 58. An Act respecting the Debenture Debt of the City of Guelph.

Cap. 59. An Act to amend the Acts relating to the Waterworks of the City of Hamilton.

Cap. 60. An Act respecting an agreement entered into between the Corporation of the Town of Ingersoll and the North and West Oxford Agricultural Society.

Cap. 61. An Act to declare valid certain By-laws of the Town of Lindsay and a lease made between the said Town and Richard Sylvester.

Cap. 62. An Act to authorize the Corporation of the City of London to borrow certain Moneys.

Cap. 63. An Act respecting the City of London and the Town of London East.

Cap. 64. An Act respecting the Debt of the Town of Napanee.

Cap. 65. An Act to confirm a certain By-Law of the Town of Niagara Falls, and for other purposes.

Cap. 66. An Act respecting a certain By-Law and certain Debentures of the Municipal Corporation of Owen Sound.

Cap. 67. An Act to legalize a certain By-Law of the Town of Paris.

Cap. 68. An Act respecting the Village of Parkdale.

Cap. 69. An Act to consolidate the floating Debt of the City of St. Thomas.

Cap. 70. An Act respecting the Town of Sarnia.

Cap. 71. An Act respecting a certain Crown Grant to the School Trustees of Shuniah.

Cap. 72. An Act to incorporate the City of Stratford, and for other purposes.

Cap. 73. An Act respecting the City of Toronto.

Cap. 74. An Act to enable the Town of Trenton to develop the water power of the River Trent within its limit, and for other purposes.

Cap. 75. An Act to consolidate the Debt of the Town of Whitby.

Cap. 76. An Act to incorporate the Brockville, Merrickville and Ottawa Railway Company.

Cap. 77. An Act to incorporate the Niagara Falls Railway Company.

Cap. 78. An Act to incorporate the Parry Sound Colonization Railway Company.

Cap. 79. An Act respecting the St. Catharines and Niagara Central Railway Company.

Cap. 80. An Act to incorporate St. Clair, Essex Centre and Erie Railway Company.

Cap. 81. An Act respecting the Chatham Gas Company.

Cap. 82. An Act to amend the Acts relating to the Land Security Company.

Cap. 83. An Act to amend an Act intitled: "An Act to incorporate the Long Point Company."

Cap. 84. An Act to amend the charter of incorporation of the Niagara Falls International Camp Meeting Association.

Cap. 85. An Act respecting the Royal Canadian Yacht Club.

Cap. 86. An Act to amend the Act incorporating the St. George's Society of Toronto.

Cap. 87. An Act to incorporate the Turkey Point Company.

Cap. 88. An Act to incorporate the Bishop of the Diocese of Algoma.

Cap. 89. An Act to amend the corporate powers of the Directors of the County of Carleton General Protestant Hospital.

Cap. 90. An Act to authorize the sale of certain lands belonging to the Presbyterian Church in the Township of Eldon.

Cap. 91. An Act to amend the Acts incorporating the College of Ottawa.

Cap. 92. An Act respecting the old Cemetery in the Town of Palmerston.

Cap. 93. An Act to amend the Act incorporating the Dean and Chapter of the Cathedral of St. Alban the Martyr, Toronto.

Cap. 94. An Act to enable the Trustees of St. John's Church, Cornwall, to sell certain lands in the Town of Cornwall, and for other purposes.

Cap. 95. An Act respecting St. Paul's Cemetery in the Town of London East.

Cap. 96. An Act to amend the Act incorporating the Toronto Baptist College.

Cap. 97. An Act respecting the Woodstock Methodist Cemetery.

Cap. 98. An Act to enable the Board of Examiners to admit A. J. B. Halford, as a Provincial Land Surveyor.

Cap. 99. An Act to confer certain powers on Trustees of the Will of the late John Lyons.

Cap. 100. An Act to authorize Seamen Hullett McDonald to practice dental surgery in the Province of Ontario.

Cap. 101. An Act to extend the provisions of the Act empowering the Trustees under the Will of the late Joseph Bitterman Spragge, to sell certain lands in the Township of Blenheim and County of Oxford.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General on the 6th March,* 1886.

The Committee of the Privy Council have had before them a report dated 24th February, 1886, from the Minister of Justice, with respect to the Acts passed by the Legislature of the Province of Ontario in the year 1885.

The Committee advise, on the recommendation of the Minister of Justice, that the power of disallowance be not exercised with respect to any of the said Acts numbered from 1 to 101 inclusive.

The Committee further advise that a despatch be forwarded by the Secretary of State to the Lieutenant Governor of Ontario directing his attention to the observations in the report of the Minister of Justice on several of the said Acts.

All of which is respectfully submitted for Your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk Privy Council.

Secretary of State to Lieutenant Governor.

DEPARTMENT OF STATE, OTTAWA, 15th March, 1886.

SIR,—I have the honor to acquaint you, for the information of your Government, that His Excellency the Governor General has had under his consideration in Council, the Acts passed by the Legislature of the Province of Ontario in the year 1885, numbered from one to one hundred and one inclusive, and that His Excellency has been advised not to exercise the power of disallowance with respect to any of the said Acts.

I have at the same time to request you to invite the attention of your Government to the observations of the Hon. the Minister of Justice on several of the said Acts, as contained in a report from that Minister, a copy of which I enclose herewith.

I have, &c.,

(Signed) J. A. CHAPLEAU,
Secretary of State.

His Honor
The Lieutenant Governor of Ontario, Toronto.

ONTARIO, 49TH VICTORIA, 1886.

3RD SESSION—5TH LEGISLATURE.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, TORONTO, 30th March, 1886.

SIR,—I have the honor to transmit to you by concurrent mail for the information and approval of His Excellency the Governor General in Council, duly certified copies of the Acts passed by the Legislature of this Province during the Session thereof held in the 49th year of Her Majesty's reign and to which assent was given on the 25th instant.

I have, &c.,

(Signed) J. B. ROBINSON,

Lieutenant Governor of Ontario.

The Honorable
The Secretary of State, Ottawa.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 8th April, 1886.

SIR,—I have the honor to transmit to you, herewith, for the information of your Government, copy of a communication received from Mr. Warren Totten, of the Town of Woodstock, calling attention to Section 59, sub-Section *b* of Bill No. 135, intituled: "An Act for further improving the law," introduced by the Honorable the Attorney General and passed at the recent session of the Ontario Legislature.

I have, &c.,

(Signed) G. POWELL,

Under Secretary of State.

His Honor
The Lieutenant Governor of Ontario, Toronto.

Mr. Warren Totten to Minister of Justice.

WOODSTOCK, 25th March, 1886.

HON. SIR,—I beg to call your attention to Section 59, Sub-section *b* of Bill No. 135, intituled: "An Act for further improving the law," introduced by the Attorney General and passed by the recent sitting of the Ontario Legislature, which assumes to give power to the High Court to relieve against all penalties. There are proceedings being had in this county against a Police Magistrate for not returning 20 convictions, the penalty for each of which is $30. Out of this 20, 15 of them are for breaches which come within the provisions of the Criminal Law as enacted by the Dominion Parliament, the half of the penalty of which is payable to the Receiver

General. It has occurred to me that the Bill No. 135, above referred to, has been enacted so as to found an argument before the High Court that the said Act gives the Court power to relieve against penalties to which the Dominion Government are entitled to one-half. If such be the case, the Ontario Legislature is seeking to legislate the Dominion Government out of a source of its revenue. It occurs to me that this is *ultra vires* of the Local House, and I call your attention to the fact, with the view of your considering the question as to whether the provision should not be disallowed by your Government.

I have, &c.,

(Signed) WARREN TOTTEN.

The Honorable the Minister of Justice.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, TORONTO, 7th May, 1886.

SIR,—Adverting to your despatch of the 8th ultimo (C. S. O. 3859) enclosing a copy of a communication received from Mr. Warren Totten, of the town of Woodstock, calling attention to Section 59, sub-Section *b* of Bill 135, introduced by the Honorable the Attorney General and passed at the recent Session of the Ontario Legislature, I have the honor to state that I have been advised that the enactment to which Mr. Totten objects is Section 6 of Chapter 16 of 49 Victoria "for further improving the Law" as passed; that like all other Provincial enactments this provision necessarily applies only to matters within the jurisdiction of a Provincial Legislature and Government, nor was it intended to have any operation in regard to any others; that the Commissioners now engaged in revising the Statutes of this Province, seven of whom are Judges, have, in consolidating, decided on striking these words out wherever they occur, the same being unnecessary and, therefore, in their opinion, not proper to be retained.

I have, &c.,

(Signed) J. B. ROBINSON,

Lieutenant Governor of Ontario.

The Honorable
The Secretary of State, Ottawa.

General Report of the Honorable the Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 10th March, 1887.

To His Excellency the Governor General in Council:—

The undersigned has the honor to report that he has had under consideration the Acts passed by the Legislature of the Province of Ontario in the Session held in the year 1886, the titles of which are given in the annexed schedule.

No objection has been taken to any of the Acts referred to, except in one provision of Chapter 16, intituled: "An Act for further improving the Law," this objection is made by Mr. Totten, of Woodstock, in a communication dated the 26th of March, 1886, of which the following is a copy:—

"I beg to call your attention to Section 59, sub Section *b*, of Bill No. 135, intituled: 'An Act for further amending the Law,' introduced by the Attorney General and passed by the recent sittings of the Ontario Legislature, which assumes to give power to the High Court to relieve against all penalties. There are proceedings being had in this county against a Police Magistrate for not returning twenty

convictions, the penalty for each of which is $80. Out of this twenty, fifteen of them are for breaches which come within the provisions of the Criminal Law as enacted by the Dominion Parliament, the half of the penalty of which is payable to the Receiver General. It has occurred to me that the Bill No. 135, above referred to, has been enacted so as to found an argument before the High Court that the said Act gives the Court power to relieve against penalties of which the Dominion Government are entitled to one-half. If such be the case, the Ontario Legislature is seeking to legislate the Dominion Government out of a source of its revenue. It occurs to me that this is *ultra vires* of the Local House, and I call your attention to the fact with the view of your considering the question as to whether the provision should not be disallowed by your Government."

This communication having been transmitted to the Lieutenant Governor of Ontario, he, by despatch dated 7th May, 1886, communicated to the Secretary of State the views of his advisers in the terms following :—

" Adverting to your despatch of the 8th ultimo (No. 3859 on 9096), enclosing a copy of a communication received from Mr. Warren Totten, of the Town of Woodstock, calling attention to section 59, subsection *b*, of Bill No. 135, introduced by the Honorable the Attorney General, and passed at the recent Session of the Ontario Legislature, I have the honor to state that I have been advised that the enactment to which Mr. Totten objects is section 6 of Chapter 16, of 49 Victoria, " for further improving the law," as passed;—that like all other provincial enactments this provision necessarily applies only to matters within the jurisdiction of a Provincial Legislature and Government, nor was it intended to have any operation in regard to any others; that the Commissioners now engaged in revising the Statutes of this Province, seven of whom are Judges, have, in consolidating, decided on striking these words out wherever they occur, the same being unnecessary, and therefore, in their opinion, not proper to be retained."

The undersigned, not without some doubt as to the provision referred to, believes it to be paragraph (*b*) of section 38 of 49 Victoria, Chapter 16, which is as follows :—

" (Subject to appeal as in other cases) the High Court shall have power to relieve against all penalties, forfeitures and agreements for liquidated damages, and in granting such relief to impose such terms as to costs, expenses, damages, compensation and all other matters as the Court thinks fit. The County Courts and Division Courts shall have like power (subject to appeal) in regard to causes of action within their jurisdiction."

The undersigned concurs in the view that this provision applies only to matters within the jurisdiction of the Provincial Legislature, and for that reason sees no objection to the Act being left to its operation.

Having carefully considered the other Acts referred to, the undersigned is of opinion that they should be left to their operation, and respectfully recommends that the Lieutenant Governor of Ontario be informed that it is not Your Excellency's intention to exercise the power of disallowance in respect of any of the Acts passed by the Legislature of the Province of Ontario in the Session held in the year 1886.

(Signed) JNO. S. D. THOMPSON,

Minister of Justice.

SCHEDULE OF TITLES OF ACTS PASSED BY THE LEGISLATURE OF THE PROVINCE OF ONTARIO, IN THE SESSION HELD IN THE YEAR 1886.

Cap. 1. An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and eighty-six, and for other purposes therein mentioned.

Cap. 2. An Act amending the Act respecting the provisional County of Haliburton.

Cap. 3. An Act to amend the Franchise and Representation Act, 1885.

Cap. 4. An Act to provide for the better auditing of the Public Accounts of the Province.

Cap. 5. An Act to amend the Act respecting the taxation of patented Lands in Algoma.

Cap. 6. An Act respecting the Upper Canada Land Improvement Fund.

Cap. 7. An Act respecting Free Grants and Homesteads to actual settlers on Public Lands in the District of Rainy River.

Cap. 8. An Act to amend the General Mining Act.

Cap. 9. An Act respecting Awards under the Niagara Falls Park Act.

Cap. 10. An Act respecting the Drainage indebtedness of the Township of Sombra.

Cap. 11. An Act to consolidate and amend the Agriculture and Arts Act.

Cap. 12. An Act to amend the Act respecting the Courts of Queen's Bench and Common Pleas.

Cap. 13. An Act to amend the County Courts Act.

Cap. 14. An Act to amend the Surrogate Courts Act.

Cap. 15. An Act to amend the Division Courts Act.

Cap. 16. An Act for further improving the Law.

Cap. 17. An Act respecting Returns of Convictions by Stipendiary and Police Magistrates.

Cap. 18. An Act respecting Criminal Justice Accounts payable by the Province.

Cap. 19. An Act respecting certain unorganized Districts of the Province.

Cap. 20. An Act for improving the practice of conveyancing and amending the Law of Property.

Cap. 21. An Act respecting covenants contained in short form of leases.

Cap. 22. An Act respecting the Estates of deceased persons.

Cap. 23. An Act to facilitate the quieting of Titles where the Land Titles Act is not in force.

Cap. 24. An Act to amend the Registry Act.

Cap. 25. An Act to amend the Act respecting assignments for the benefit of Creditors.

Cap. 26. An Act to amend the Law respecting compensation to families of persons killed by Accident and in Duels.

Cap. 27. An Act to amend the Revised Statute respecting Master and Servant.

Cap. 28. An Act to secure compensation to Workmen in certain cases.

Cap. 29. An Act respecting Landlords and Tenants and Distress.

Cap. 30. An Act to amend the Act respecting Dentistry.

Cap. 31. An Act to amend the Act respecting the incorporation of Joint Stock Companies by Letter Patent.

Cap 32. An Act to amend the Act respecting Joint Stock Companies for the construction or purchase of roads and other works.

Cap. 33. An Act to amend the Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.

Cap. 34. An Act respecting Building Societies.

Cap. 35. An Act respecting Mechanics Institutes and Art Schools.

Cap. 36. An Act to amend the Act respecting Cemetery Companies.

Cap. 37. An Act to further amend the Municipal Act.

Cap. 38. An Act to further amend the Assessment Act.

Cap. 39. An Act respecting Liquor Licenses.

Cap. 40. An Act to amend the Act respecting Snow Fences.

Cap. 41. An Act to prevent Minors frequenting Billiard Rooms and other places.

Cap. 42. An Act to make further provision regarding the Public Health.

Cap. 43. An Act to amend the Act respecting Vaccination and Inoculation.

Cap. 44. An Act to further amend the Ditches and Water-courses Act, 1883.

Cap. 45. An Act to further amend the Law for the protection of Game and Fur-bearing Animals.

Cap. 46. An Act respecting Separate Schools.
Cap. 47. An Act to amend the Act respecting Agricultural College.
Cap. 48. An Act to amend the Act respecting the application of Religious Institutions Act to the Church of England.
Cap. 49. An Act to amend the Act to establish an Industrial Refuge for Girls.
Cap. 50. An Act to amend the Act respecting Private Lunatic Asylums.
Cap. 51. An Act respecting the Village of Beeton.
Cap. 52. An Act respecting the Town of Bowmanville.
Cap. 53. An Act respecting a certain agreement between the City of Brantford and the Grand Trunk Railway Company.
Cap. 54. An Act to authorize the Village of Caledonia to issue certain Debentures.
Cap. 55. An Act to incorporate the Village of Huntsville.
Cap. 56. An Act to authorize the Town of Ingersoll to issue certain Debentures.
Cap. 57. An Act to authorize the City of London to aid the London and South Eastern Railway Company and other Railways.
Cap. 58. An Act respecting the Village of London West.
Cap. 59. An Act to consolidate the Debenture Debt of the Town of Mount Forest.
Cap. 60. An Act relating to the Municipality of Neebing.
Cap. 61. An Act to consolidate the Debt of the Town of Orangeville.
Cap. 62. An Act to incorporate the Town of Parkhill.
Cap. 63. An Act respecting the Town of Peterborough.
Cap. 64. An Act respecting the Consolidated Debt of the Town of Port Hope.
Cap. 65. An Act respecting the Debenture Debt of the Town of Sarnia.
Cap. 66. An Act respecting the City of Toronto.
Cap. 67. An Act to incorporate the Georgian Bay and Lake Huron Railway Company.
Cap. 68. An Act respecting the Hamilton and Dundas Street Railway Company.
Cap. 69. An Act respecting the Irondale, Bancroft and Ottawa Railway Company.
Cap. 70. An Act to incorporate the King Loop Line Railway Company.
Cap. 71. An Act respecting the Leamington and St. Clair Railway Company.
Cap. 72. An Act to incorporate the London and South-Eastern Railway Company.
Cap. 73. An Act respecting the Midland Junction Railway Company.
Cap. 74. An Act to incorporate the Nosbonsing and Nipissing Railway Company.
Cap. 75. An Act to incorporate the Ontario and Rainy River Railway Company.
Cap. 76. An Act to incorporate the Pacific and Atlantic Railway Company.
Cap. 77. An Act to incorporate the Richmond Hill Junction Railway Company.
Cap. 78. An Act respecting the St. Catharines and Niagara Central Railway Company.
Cap. 79. An Act respecting the Thunder Bay Colonization Railway Company.
Cap. 80. An Act to amend the Acts relating to the Toronto Street Railway Company.
Cap. 81. An Act to further amend the Acts respecting the Lake Scugog Marsh Lands and Drainage Company.
Cap. 82. An Act respecting the Riverside Cemetery of Port Arthur.
Cap. 83. An Act to incorporate the St. Catharines Club.
Cap. 84. An Act respecting the Sarnia and Florence Road Company.
Cap. 85. An Act to incorporate the South Essex Gun Club.
Cap. 86. An Act to incorporate the Toronto Fire Insurance Company.

Cap. 87. An Act to incorporate the Nicholls Hospital Trust.

Cap. 88. An Act to amend the Act incorporating the Regular Baptist Missionary Convention of Ontario.

Cap. 89. An Act to enable the Trustees of St. Andrews Church, Peterborough, to sell or mortgage certain Lands.

Cap. 90. An Act to authorize the Sale of certain Lands by the Congregation of the Church of England, in the Parish of St. Thomas.

Cap. 91. An Act respecting the Women's Christian Association of Belleville.

Cap. 92. An Act to authorize Walter Coate to practice as a Chemist.

Cap. 93. An Act to authorize the Law Society of Ontario to admit Delos Rogest Davis as a Barrister-at-Law.

Cap. 94. An Act to confirm the Sale of certain Lands to Elmes Henderson.

Cap. 95. An Act to enable the Toronto General Trusts Company, as Trustees of Anne Laidlaw, to purchase certain Lands.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 15th March*, 1887.

The Committee of the Privy Council have had before them a Report, dated 10th March, 1887, from the Minister of Justice with respect to the Acts passed by the Legislature of the Province of Ontario in the year 1886.

The Committee advise on the recommendation of the Minister of Justice that the power of disallowance be not exercised with respect to any of the said Acts numbered from 1 to 95, inclusive.

The Committee further advise that a despatch be forwarded by the Secretary of State to the Lieutenant Governor of Ontario, directing his attention to the observations contained in the Report of the Minister of Justice.

All which is respectfully submitted for Your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk Privy Council.

Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 29th March, 1887.

SIR,—I have the honor to acquaint you, for the information of your Government, that the Governor General has had under his consideration in Council the Acts passed by the Legislature of the Province of Ontario in the year 1886, and that His Excellency has been advised not to exercise the power of disallowance with respect to any of the said Acts numbered from 1 to 95, inclusive.

In connection with the same I have also the honor to transmit to you herewith copy of an extract from a report of the Honorable the Minister of Justice regarding a communication from Mr. Warren Totten, of Woodstock, dated the 25th March, 1886, a copy of which was forwarded to you on the 8th April then following.

I have, &c.,

(Signed) J. A. CHAPLEAU,
Secretary of State.

His Honor
The Lieutenant Governor of Ontario, Toronto.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, TORONTO, 6th May, 1887.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 29th March, No. 1450 on 8969, enclosing a copy of an extract from a Report of the Honorable the Minister of Justice on the subject of the Acts passed by the Legislature of the Province of Ontario in 1886.

I have, &c.,

(Signed) J. B. ROBINSON,

Lieutenant Governor of Ontario.

The Honorable
The Secretary of State, Ottawa.

Under Secretary of State to Mr. Warren Totten.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 28th March, 1887.

SIR,—Adverting to the subject of your letter of the 25th March, 1886, addressed to the Honorable the Minister of Justice calling attention to paragraph *b* of Section 38 of the Statutes of Ontario, 49 Victoria, Chapter 16, intituled: "An Act for further improving the law," I have now the honor to inform you that His Excellency the Governor General having had the same under his consideration in Council, has been advised that inasmuch as the provisions in question apply only to matters within the jurisdiction of the Provincial Legislature, there is no objection to the Act being left to its operation.

I have, &c.,

(Signed) GRANT POWELL.

Under Secretary of State.

WARREN TOTTEN, Esq.,
Barrister, &c., Woodstock, Ont.

QUEBEC, 48TH VICTORIA, 1885.

4TH SESSION—5TH PARLIAMENT.

Lieutenant Governor to Secretary of State.

(*Translation.*)

GOVERNMENT HOUSE, QUEBEC, 22nd May, 1887.

SIR,—I have the honor to enclose you, for the information of His Excellency the Governor General, a file containing the Bills passed by the Legislature of Quebec at its last Session (1885), and which I sanctioned on the 9th May, instant.

I have, &c.,

(Signed) L. R. MASSON,

Lieutenant Governor.

The Honorable
The Secretary of State, Ottawa.

Report of the Honorable the Minister of Justice.

DEPARTMENT OF JUSTICE, CANADA, OTTAWA, 25th February, 1886.

To His Excellency the Governor General in Council :

The undersigned has the honor to report upon the Acts passed by the Legislature of the Province of Quebec, in the Session held in the year 1885.

The undersigned having carefully considered the Acts mentioned in the Schedule hereto, respectfully recommends that they be left to their operation.

By Chapter 10, intituled : " An Act respecting Escheats and Property confiscated to the Crown," it is provided that property that has devolved or shall devolve upon the Crown by escheat, and property confiscated for any cause whatever, except for crime, are under the control of the Commissioner for Crown Lands; that such property may be sold or transferred by the Lieutenant Governor in Council upon such conditions as he may impose, or that he may dispose of the property gratuitously in favor of any person having moral claims thereto.

It will be observed that the word " property " is large enough to include personal property. But whether the Crown, in the right of the Dominion of Canada or of a Province, is entitled to personal property escheating for want of kin is a question not yet decided. For the determination of this question a case is now pending in the Exchequer Court between the undersigned, for the Dominion of Canada, and the Attorney General of Ontario.

The undersigned recommends that the attention of the Lieutenant Governor of Quebec be called to this matter, and that he be invited to move the Legislature, pending the decision of the legal question involved, so to amend this Act as to limit its application to property which escheats to the Crown in the right of the Province, and that he be informed, however, that it is not the intention of Your Excellency's Government, pending the decision of that question, to interfere in the administration

of the personal property of persons dying in the Province of Quebec, leaving no next of kin or other person entitled to succeed, other than Her Majesty.

By Chapter 22, intituled: "An Act to amend the Code of Civil Procedure, in so far as it concerns abandonment of Property," provision is made for the administration of the estates of insolvent persons, substantially in the same way as it was done by the Act of the Legislature of the Province of Ontario, 48th Vic., Chap. 26, to which the undersigned has referred in his report upon the Acts passed by the Legislature of that Province in the year 1885. For the reason given in that report the undersigned recommends that the power of disallowance be not exercised in respect of this Act.

Chapter 32, intituled: "An Act to protect the life and health of persons employed in Factories," makes similar provision on this subject to those made by the Act of the Legislature of the Province of Ontario, 47th Vic., Chap. 39, intituled: "An Act for the protection of persons employed in Factories."

Referring to the approved Report of the Minister of Justice, dated 20th January, 1885, in respect of the Act last mentioned, the undersigned recommends, that this Act of the Legislature of the Province of Quebec, 48th Vic., Chap. 32, be left to its operation.

Respectfully submitted,

(Signed) JNO. S. D. THOMPSON,

Minister of Justice.

SCHEDULE.

QUEBEC.

Cap. 1. An Act granting to Her Majesty the Moneys required for the expenses of the Government for the financial years ending the 30th June, 1885, and on the 30th June, 1886, and for other purposes connected with the Public Service.

Cap. 2. An Act to amend the Act 38 Victoria, Chapter 7, intituled: "An Act respecting the election of members of the Legislative Assembly of the Province of Quebec."

Cap. 3. An Act to amend the Act 32 Victoria, Chapter 3, respecting the independence of the Legislature and to extend to the Legislative Council the provisions of the Act 47 Victoria, Chapter 2.

Cap. 4. An Act to amend the Act 33 Victoria, Chapter 4, and the Act amending the same.

Cap. 5. An Act to amend Chapter 75 of the Consolidated Statutes for Lower Canada, with respect to the West and Centre Divisions of the City of Montreal, for purposes of representation in the Legislative Assembly.

Cap. 6. An Act respecting the Law Officers of the Crown.

Cap. 7. An Act to amend the Laws respecting the Department of Agriculture and Public Works.

Cap. 8. An Act to amend Section 96 of "The Quebec License Law of 1878."

Cap. 9. An Act to amend the Quebec License Law of 1878, as regards the storage of Gunpowder and other Explosives.

Cap. 11. An Act respecting the expenses of the Commission entrusted with an investigation concerning the Quebec, Montreal, Ottawa and Occidental Railway.

Cap. 12. An Act to facilitate the formation of "Fish and Game Protection Clubs" in this Province.

Cap. 13. An Act to amend the Laws respecting the holding of the Superior Court.

Cap. 14. An Act to amend the Act 47 Victoria, Chapter 8, respecting the holding of the Superior and Circuit Courts and the Code of Civil Procedure.

Cap. 15. An Act to amend the Act respecting District Magistrates in this Province.

Cap. 16. An Act to amend the Act respecting the building of the Court House of Quebec, 45 Victoria, Chapter 26.

Cap. 17. An Act to amend the Law respecting Jurors and Juries.

Cap. 18. An Act to amend the Act of 47 Victoria, Chapter 14, intituled: "An Act respecting notifications, protests and services."

Cap. 19. An Act to amend the Act 47 Victoria, Chapter 13, intituled: "An Act to render valid certain registrations and to amend certain articles of the Civil Code."

Cap. 20. An Act to amend the Civil Code and the Code of Civil Procedure."

Cap. 21. An Act to amend Article 494 of the Code of Civil Procedure of Lower Canada.

Cap. 23. An Act to amend Article 1054 of the Code of Civil Procedure, as amended by Section 9 of the Act 34 Victoria, Chapter 4, Section 31 of the Act 35 Victoria, Chapter 6, and Section 9 of the Act 47 Victoria, Chapter 8, and also Article 68 of the Code of Civil Procedure.

Cap. 24. An Act to amend Article 1323 of the Code of Civil Procedure.

Cap. 25. An Act to authorize Prothonotaries of the Superior Court to deliver certified copies of the registers of Civil Status in their possession, when the other duplicate has been destroyed by fire or otherwise.

Cap. 26. An Act to extend certain provisions of the Act 38 Victoria, Chapter 15, respecting the Cadastre.

Cap. 27. An Act to amend the Act 38 Victoria, Chapter 34, for the better regulation of Burials.

Cap. 28. An Act to amend certain Articles of the Municipal Code.

Cap. 29. An Act to add certain provisions to the Act respecting Partnerships, being Chapter 65 of the Consolidated Statutes for Lower Canada.

Cap. 30. An Act to amend the Act respecting public instruction in this Province.

Cap. 31. An Act to amend the Act of this Province, 43-44 Victoria, Chapter 22, intituled: "An Act to establish a Pension and Benevolent Fund in favor of the Officers of Primary instruction."

Cap. 33. An Act for the relief of certain settlers upon Crown Lands.

Cap. 34. An respecting Lunatic Asylums in the Province of Quebec.

Cap. 35. An Act to amend Article 116 of the Notarial Code (46 Victoria, Chapter 32).

Cap. 36. An Act to amend and consolidate the Acts relating to the Pharmaceutical Association of the Province of Quebec, and to the sale of Drugs and Poisons.

Cap. 37. An Act to annex a certain portion of the Municipality of the Parish of St. Damase, in the County of St. Hyacinthe, to the Municipality of the Parish of St. Jean Baptiste, in the County of Rouville, for Municipal, School, Judicial, Electoral and Registration purposes.

Cap. 38. An Act to civilly erect the Parish of St. Grégoire de Nazianze de Buckingham.

Cap. 39. An Act to amend the Acts respecting the Church of St. John the Evangelist, Montreal.

Cap. 40. An Act to incorporate the Synod of the Church of England in the Diocese of Quebec, and for other purposes connected with the Temporalities of the said Church.

Cap. 41. An Act to enable the Rector of St. Stephen's Church in the Parish of Stephens in the Diocese of Montreal, to sell the lot of land on which the Parsonage is erected, and the said house and out-building.

Cap. 42. An Act to incorporate the Chapter of the Cathedral of Three Rivers.

Cap. 43. An Act to incorporate "L'Hotel Dieu St. Valier" at Chicoutimi.

Cap. 44. An Act to incorporate the Congregation of the Most Holy Redeemer.

Cap. 45. An Act to incorporate "Les Religieuses Hospitalières de St. Joseph de L'Hotel Dieu d'Arthabaskaville."

Cap. 46. An Act to amend the Act incorporating "La Communauté de Sœurs des Saints Noms des Jésus et de Marie" and to confirm the title of the said community to the property upon which their convent at Hochelaga is built.

Cap. 47. An Act to extend, define and confirm the powers of the Community "Les Sœurs de la Congrégation de Notre Dame" of Montreal.

Cap. 48. An Act to incorporate "The Farnham Orphan Asylum."

Cap. 49. An Act to amend the Act 34 Victoria, Chapter 59, intituled: "An Act to incorporate the Montreal Young Men's Christian Association."

Cap. 50. An Act to incorporate "L'Union de St. Charles Borrommée de Charlesbourg."

Cap. 51. An Act to incorporate the "Union de St. Joseph de St. Jean Baptiste de Quebec."

Cap. 52. An Act to incorporate "La Société St. Jean Baptiste de St. Césaire."

Cap. 53. An Act to incorporate "La Société St. Jean Baptiste de Farnham."

Cap. 54. An Act to incorporate "The Temperance League of the County of Arthabaska."

Cap. 55. An Act to incorporate "The Cercle National Français de Montreal."

Cap. 56. An Act to incorporate "The Retail Dry Goods Merchants' Society of the Province of Quebec."

Cap. 57. An Act to incorporate "Le Canadien" Snow Shoe Club of Montreal.

Cap. 58. An Act to authorize the Victoria Skating Club to increase its Capital Stock.

Cap. 59. An Act to incorporate "The New England Paper Company."

Cap. 60. An Act to incorporate the Montreal Union Abattoir Company.

Cap. 61. An Act to authorize "The Magog Textile and Print Company" to borrow Money and issue Debentures.

Cap. 62. An Act to amalgamate the V. Hudon Cotton Mills Company, Hochelaga, and La Companie de Filature Ste. Anne, Hochelaga, under the name of "The Hochelaga Cotton Manufacturing Company."

Cap. 63. An Act to incorporate The "Montreal Botanic Garden Association."

Cap. 64. An Act to incorporate The Eastern Townships Agricultural Association.

Cap. 65. An Act to incorporate The De Lery Gold Mining Company.

Cap. 66. An Act to amend the Act 40 Victoria, Chapter 29, intituled: "Town Corporations' General Clauses Act."

Cap. 67. An Act to amend the Charter of the City of Montreal.

Cap. 68. An Act to amend the various Acts relative to the incorporation of the Town of Sorel.

Cap. 69. An Act to amend the various Acts relating to the incorporation of the City of Sherbrooke.

Cap. 70. An Act to amend the Act to incorporate the City of Hull, 38 Victoria, Chapter 79.

Cap. 71. An Act to amend the various Acts relating to the Town of Lachine and to better define and extend the powers of the corporation of said town.

Cap. 72. An Act to incorporate the Town of Lachute.

Cap. 73. An Act to amend the Act 42-43 Victoria, Chapter 43, and to grant further powers to the Corporation of the Village of Côte St. Antoine.

Cap. 74. An Act to incorporate the Montreal Park and Island Railway Company.

Cap. 75. An Act to amend the Charter of the Stanstead, Shefford and Chambly Railroad Company.

Cap. 76. An Act to amend the Act relating to the incorporation of the St. John's and Sorel Railway Company.

Cap. 77. An Act to amend the Acts relating to the incorporation of the Missisquoi Valley Railway Company.

Cap. 78. An Act to confer certain powers upon the Quebec, Montmorency and Charlevoix Railway Company.

Cap. 79. An Act to amend the Act 40 Victoria, Chapter 34, intituled: "An Act to incorporate the St. John Street Railway Company."

Cap. 80. An Act to substitute voluntary for forced licitation as regards certain property belonging to the estates of the late Damase Masson and his wife.

Cap. 81. An Act to authorize the resiliation and setting aside of a substitution established by a deed of gift by Catherine Poitras, in favor of the children of Ludger Plessis Belair *et al.*

Cap. 82. An Act to authorize the sale of a property substituted under a deed of gift by the late Léon Robert.

Cap. 83. An Act respecting the substitution created by the will of the late Jean Baptiste Bruyère.

Cap. 84. An Act to authorize Tancrède Rodolphe Barbeau to sell certain substituted immovable property.

Cap. 85. An Act to define the powers of the executors of the will of the late George H. Frothingham, Esq., and for other purposes connected therewith.

Cap. 86. An Act to authorize the Bar of the Province of Quebec to admit Henri Arsène Germain amongst its members, after examination.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council approved by His Excellency the Governor General in Council on the 15th March,* 1886.

The Committee of the Privy Council have had before them a Report, dated 25th February, 1886, from the Minister of Justice, with respect to the Acts passed by the Legislature of the Province of Quebec in the Session held in the year 1885.

The Committee advise, on the recommendation of the Minister of Justice, that the power of disallowance be not exercised with respect to any of the said Acts, numbered from 1 to 86 inclusive.

The Committee further advise that a despatch be forwarded by the Secretary of State to the Lieutenant Governor of Quebec, directing his attention to the observations in the Report on several of the said Acts.

All which is respectfully submitted for Your Excellency's approval.

(Signed) JOHN J. McGEE,

Clerk Privy Council.

Secretary of State to Lieutenant Governor.

DEPARTMENT OF STATE, OTTAWA, 24th March, 1886.

SIR,—I have the honor to acquaint you for the information of Your Government, that His Excellency has had under his consideration in Council, the Acts passed by the Legislature of the Province of Quebec in the Session held in the year 1885, and to state that His Excellency is advised that the power of disallowance be not exercised with respect to any of the said Acts numbered from 1 to 86, inclusive. I have, however, to request you to invite the attention of your Government to the observations in the report of the Honorable the Minister of Justice on several of the said Acts, a copy of which report is herewith enclosed.

I have, &c.,

(Signed) J. A. CHAPLEAU,

Secretary of State.

His Honor
The Lieutenant Governor of Quebec, Quebec.

(*Translation.*)

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, QUEBEC, 5th April, 1886.

SIR—I have the honor to acknowledge the receipt of your despatch dated the 24th inst., letter No. 3477, file No. 7087 of 1885, by which you inform me that the Acts passed by the Legislature of the Province of Quebec during the Session of 1885, were not disallowed.

I have, &c.,

(Signed) L. R. MASSON,

Lieutenant Governor.

The Honorable
The Secretary of State, Ottawa.

QUEBEC, 49-50 VICTORIA, 1886.

5TH SESSION—5TH PARLIAMENT.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, QUEBEC, 19th July, 1887.

SIR,—I have the honor to transmit to you herewith, for the information of His Excellency the Governor General a file containing the Bills passed by the Legislature of Quebec at its last Session (1886) and to which I assented on the 21st June last.

I have, &c.,

(Signed) L. R. MASSON,

Lieutenant Governor.

The Honorable
The Secretary of State, Ottawa.

General Report of the Hon. the Minister of Justice.

DEPARTMENT OF JUSTICE, CANADA, OTTAWA, 22nd March, 1887.

To His Excellency the Governor General in Council:

The undersigned begs leave to submit his report on the Acts passed by the Legislature of the Province of Quebec, in the Session of 1886, authentic copies of which were received by the Secretary of State on the 20th of July last.

Chapter 34.—By the 16th section of Chapter 34, intituled: "An Act respecting the Bar of the Province of Quebec," the Batonnier of the Province is given precedence over the other members of the Bar. A similar provision was contained in the 16th section of the Act of the same Legislature, 44-45 Victoria, Chapter 27, which was left to its operation without comment. It is to be observed, however, that in Lenoir *vs.* Ritchie (3 Can., S. C. R. 5785) Henry, Taschereau and Gwynne, JJ., constituting a majority of the Court, held that a Provincial Legislature has no power to authorize the Lieutenant Governor to appoint Queen's Counsel or to grant to any member of the Bar a patent of precedence in the Courts of the Province, as the prerogative of raising practitioners in the Courts of justice to a superior eminence by constituting them Sergeants, &c., or by granting letters of precedence to such Barristers as Her Majesty thought proper to honor with that mark of distinction, whereby they were entitled to such rank and pre-audience as were assigned in their respective patents, belonged in Canada, to Your Excellency, as the representative of the Crown, and not to the Lieutenant Governors. In coming to this conclusion, it will be seen by reference to the report of the case, that the learned judges did not overlook, but took into consideration and discussed, the fact that in his despatch of 1st February, 1872, to Lord Lisgar, the Earl of Kimberley stated that he was advised that the Legislature of a Province could confer by Statute on its Lieutenant Governor the power of appointing Queen's Counsel, and with respect to precedence or pre-audience in the Courts of the Province the Legislature of the Province had power to decide as between Queen's Counsel appointed by the Governor General and the Lieutenant Governor. Since 1879 Lenoir *vs.* Ritchie has continued to be, and until reversed, should be accepted and respected as the authoritative enunciation of the law on the subject. It is clear, the undersigned thinks, that a Legislature cannot in this respect exercise directly a power which it cannot enable the Lieutenant Governor to exercise.

For these reasons the undersigned is of opinion that the section referred to should be repealed or at least should be so amended as to show clearly that the Legislature intended the enactment to be, as Sir John Macdonald, then Minister of Justice, in his Report of 3rd January, 1872 (Provincial Legislation, p. 26) states it must be, "subject to the exercise, by Your Excellency, of the Royal prerogative, which is paramount and in no way diminished by the terms of the Act of Confederation."

Chapter 39.—The undersigned will make Chapter 39, intituled: "An Act to authorize certain Corporations and Institutions to lend and invest moneys in this Province," the subject of a separate Report.

Chapter 49.—By the 1st Section of Chapter 49, intituled: "An Act to amend the Act of this Province, 45 Victoria, Chapter 103, respecting the Town of Richmond," the Town Council is given the power not only to restrain and regulate the sale of spirituous liquors, but also to prohibit such sales. Probably under the decisions this is in excess of the powers of the Legislature.

Chapter 98.—The 1st Section of Chapter 98, intituled: "An Act respecting the Executive Power," declares that "The Lieutenant Governor or person administering the Government of the Province is a corporation sole." This section is taken from the Consolidated Statutes of Canada, Chapter 10, Section 1, which may possibly by virtue of the 65th Section of the British North America Act, 1867, be in force in Quebec in respect of the office of Lieutenant Governor. The provision, however, is clearly one that relates to the office of Lieutenant Governor, and as such is withdrawn from the legislative authority of the Legislature of Quebec by the 92nd section of the Act last referred to.

In January last an Act passed by the Legislature of the Province of Manitoba, intituled "An Act respecting the Lieutenant Governor and his Deputies," which contained a similar provision, and also a provision authorizing the Lieutenant Governor to appoint deputies was disallowed, on the ground that the Act was not within the legislative authority of the Legislature of the Province of Manitoba.

In the opinion of the undersigned this section should be repealed.

The undersigned respectfully recommends that the substance of this report, if approved, be communicated to the Lieutenant Governor of the Province of Quebec, and that in the meantime action be deferred in respect to Chapters 34 and 98.

The undersigned, having considered the other Acts passed by the Legislature of the Province of Quebec in the Session held in the year 1886, the titles and chapters of which are given in the schedule attached hereto, recommends that they be left to their operation, and that the Lieutenant Governor be so informed.

(Signed) JNO. S. D. THOMPSON,

Minister of Justice.

SCHEDULE OF ACTS PASSED BY THE LEGISLATURE OF THE PROVINCE OF QUEBEC, IN THE SESSION HELD IN THE YEAR 1886, WITH THE EXCEPTION OF CHAPTERS 34, 59 AND 98.

Cap. 1. An Act granting to Her Majesty the Moneys required for the expenses of the Government for the financial years ending on the 30th June, 1886, and on the 30th June, 1887, and for other purposes connected with the Public Service.

Cap. 2. An Act appropriating, to the payment of the consolidated debt of the Province, the grant made by the Government of the Dominion of Canada, to the Government of the Province of Quebec, under the Federal Act, 47 Victoria, Chapter 8.

Cap. 3. An Act to amend the Quebec License Law of 1878, and its amendments.

Cap. 4. An Act to abolish the office of Commissioner of Railways, and for other purposes.

Cap. 5. An Act to amend Section 30 of the Quebec Election Act of 1875 (38 Victoria, Chapter 7).

Cap. 6. An Act to change the *chef lieu* of the Judicial District of Ottawa.

Cap. 7. An Act to further amend the Law respecting the constitution of the Superior Court.

Cap. 8. An Act to amend Chapter 79 of the Consolidated Statutes for Lower Canada, respecting the Circuit Court.

Cap. 9. An Act to abolish the Circuit Court sitting at Ste. Croix, in the County of Lotbinière.

Cap. 10. An Act to amend the Law respecting Jurors and Juries (46 Victoria, Chapter 16).

Cap. 11. An Act to amend Articles 2174 and 2176 of the Civil Code, and the Act 47 Victoria, Chapter 36.

Cap. 12. An Act to amend Article 768 of the Code of Civil Procedure as replaced by the Act 48 Victoria, Chapter 22, Section 4, and Articles 1994 and 2005 of the Civil Code.

Cap. 13. An Act to amend Article 63 of the Code of Civil Procedure.

Cap. 14. An Act to further amend the Code of Civil Procedure.

Cap. 15. An Act to amend Article 556 of the Code of Civil Procedure.

Cap. 16. An Act to amend Article 624 of the Code of Civil Procedure.

Cap. 17. An Act to amend Article 874 of the Code of Civil Procedure.

Cap. 18. An Act to further amend Article 1054 of the Code of Civil Procedure.

Cap. 19. An Act respecting the sales of immovables in certain parishes in the rural districts.

Cap. 20. An Act to amend Article 220 of the Notarial Code.

Cap. 21. An Act to amend the Municipal Code of the Province of Quebec.

Cap. 22. An Act to amend Article 312 of the Municipal Code.

Cap. 23. An Act to prevent bribery and corruption in Municipal affairs.

Cap. 24. An Act to establish a Registry Office at Tadoussac for the County of Saguenay, and for that purpose to detach the latter from the first registration division of the County of Charlevoix.

Cap. 25. An Act to amend the Law respecting public instruction.

Cap. 26. An Act to amend the laws respecting public instruction in this Province, so as to establish a Board of Examiners at Notre Dame du Lac St. Jean.

Cap. 27. An Act respecting the Pension Fund of Officers of Primary Instruction.

Cap. 28. An Act to further amend the Act 32 Victoria, Chapter 18, concerning Reformatory Schools.

Cap. 29. An Act to further amend the Act 32 Victoria, Chapter 17, concerning Industrial Schools.

Cap. 30. An Act to further amend the Quebec General Mining Act, 1880.

Cap. 31. An Act to amend the Quebec Game Law.

Cap. 32. An Act respecting the leasing of the Peninsula of Manicouagan.

Cap. 33. An Act respecting those candidates for the study and practice of the liberal professions who took part in the North-West Expedition of 1885.

Cap. 35. An Act to amend the Act 45 Victoria, Chapter 16, respecting Land Surveyors of the Province of Quebec, and the survey of lands.

Cap. 36. An Act to amend the Acts respecting the Dental Association of the Province of Quebec.

Cap. 37. An Act to incorporate the Montreal School of Veterinary Surgery.

Cap 38. An Act to establish a Provincial Board of Health and for other purposes respecting the Public Health.

Cap. 40. An Act respecting Agricultural Societies in this Province.

Cap. 41. An Act to amend the Act 41 Victoria, Chapter 5.

Cap. 42. An Act to authorize a certain transfer of property made to the Roman Catholic Episcopal Corporation of the Diocese of Nicolet by the Parish of St. Jean Baptiste de Nicolet.

Cap. 43. An Act to amend the Act 22 Victoria, Chapter 68, intituled: "An Act to modify the personal composition of the Corporation of the Seminary of Nicolet."

Cap. 44. An Act to erect the Parish of St. Jean Baptiste de Quebec.

Cap. 45. An Act to provide for the building of the Roman Catholic Church of the Parish of the Sacred Heart of Jesus, Montreal.

Cap. 46. An Act to further amend the Act 38 Victoria, Chapter 76, intituled: "An Act to amend and consolidate the Act of incorporation of the City of Three Rivers, and the various Acts which amend the same," and the amendments to such Acts.

Cap. 47. An Act to amend the Act 44-45 Victoria, Chapter 75, intituled: "An Act to amend and consolidate the Act of incorporation of the Town of Longueuil, 37 Victoria, Chapter 49, and the Act amending the same, 39 Victoria, Chapter 46."

Cap. 48. An Act to amend the Act incorporating the Town of Iberville, 22 Victoria, Chapter 64, and the Act 43-44 Victoria, Chapter 63, amending the same Act of incorporation.

Cap. 49. An Act to amend the Act of this Province, 45 Victoria, Chapter 103, respecting the Town of Richmond.

Cap. 50. An Act to amend the Act incorporating the Town of St. Henri, 42-43 Victoria, Chapter 58.

Cap. 51. An Act to amend the Act, 47 Victoria, Chapter 90, respecting the incorporation of the Town of St. Cunegonde, and to grant it more ample powers.

Cap. 52. An Act to amend the Act incorporating the Town of Farnham, 40 Victoria, Chapter 47.

Cap. 53. An Act granting to the Corporation of the Village of St. Gabriel the right to annex themselves to the City of Montreal, and to make with the said city such covenants and agreements as shall be deemed proper to attain that end.

Cap. 54. An Act respecting the Parish of St. Elphege in the County of Yamaska.

Cap. 55. An Act to erect a certain portion of the Parish of St. Janvier de Weeden into a Village Municipality.

Cap. 56. An Act to divide the Municipality of the Township of Templeton, in the County of Ottawa, into two separate Municipalities.

Cap. 57. An Act to better define the limits of the Parish of "Les Saints Anges de Lachine."

Cap. 58. An Act to extend the limits of the Village of Laprairie and to provide for the conceding of new building lots in the common of the same locality.

Cap. 59. An Act to define the boundaries of the Parish of Ste. Barbe and for other purposes.

Cap. 60. An Act to incorporate the Sherbrooke Young Men's Christian Association.

Cap 61. An Act to amend the Act incorporating "L'Hôpital du Sacré-Cœur de Jésus," at Quebec.

Cap. 62. An Act to incorporate the "Hospice de St. Thomas de Montmagny."

Cap. 63. An Act to incorporate "L'Union St. Joseph de Salaberry de Valleyfield."

Cap. 64. An Act to incorporate "the Women's Christian Temperance Union of Montreal."

Cap. 65. An Act to enlarge the powers of the Trafalgar Institute.

Cap. 66. An Act to change the name of "The Sherbrooke Permanent Building Society," to that of "The Sherbrooke Loan and Mortgage Company" and to extend the powers thereof.

Cap. 67. An Act authorizing "The Merchants' Manufacturing Company" to issue bonds.

Cap. 68. An Act to incorporate the "Cercle Frontenac de Québec."

Cap. 69. An Act to incorporate "The Victoria Rifles' Armory Association."

Cap. 70. An Act to incorporate the "Ste. Marguerite Salmon Club."

Cap. 71. An Act to incorporate the "St. Lawrence Fire Insurance Company."

Cap. 72. An Act to incorporate the "Montreal Contractors' Association."

Cap. 73. An Act to incorporate the "Licensed Victuallers Association of Quebec."

Cap. 74. An Act to encourage the employment of combustible gases in this Province.

Cap. 75. An Act further to amend the Act incorporating the Montreal Gas Company, and the Acts amending the same.

Cap. 76. An Act better to aid the construction of Railways.

Cap. 77. An Act to make further provision respecting Subsidies to Railways.

Cap. 78. An Act to revive the Charter of the Cape Rouge and St. Lawrence Railway Company and to extend the delay for the commencement and completion of its works.

Cap. 79. An Act to amend the Act 46 Victoria, Chapter 87, intituled: "An Act to incorporate the Great Northern Railway Company."

Cap. 80. An Act respecting the Baie des Chaleurs Railway Company.

Cap. 81. An Act to incorporate the Drummond County Railway Company.

Cap. 82. An Act to amend the Charter of the Quebec Central Railway Company.

Cap. 83. An Act to incorporate the "St. Jacques de l'Achigan Railway Company."

Cap. 84. An Act to incorporate the Arthabaska and Wolfe Counties Railway Company.

Cap. 85. An Act to amend the Act 48 Victoria, Chapter 74, intituled: "An Act to incorporate the Montreal Park and Island Railway Company."

Cap. 86. An Act to further amend the Charter of the Montreal City Passenger Railway Company and the Acts amending the same, and to change its name to that of "The Montreal Street Railway Company."

Cap. 87. An Act to incorporate the "Sherbrooke Bridge Company."

Cap. 88. An Act to authorize the sale or other disposition of certain property belonging to the estate of the late Dame Marie Angélique Cuvillier.

Cap. 89. An Act authorizing Dame Jane Cox, wife of John Nelson Hickey, and Dame Barbara Cox, wife of Alexander Linton Lockerby, to sell the south-western portion of lot No. 123 of the Cadastre of St. Louis Ward, in the City of Montreal, to Jean Baptiste St. Louis and to Dame Emma E. Lamontagne, wife of Emmanuel St. Louis, upon certain conditions;

Cap. 90. An Act to define the seizin, powers and duties of the executors of the will of the late William Dow, Esquire, and for other purposes connected therewith.

Cap. 91. An Act to amend an Act of the Legislature of Quebec, 43-44 Victoria, Chapter 81, intituled: "An Act to define the powers of the executors of the will of the late Robert Knox, Esquire, as to property in this Province and for other purposes.

Cap. 92. An Act to amend the Act 47 Victoria, Chapter 91, intituled: "An Act to authorize the sale of certain immovables belonging to the estate of the late Jean Baptiste Renaud."

Cap. 93. An Act to authorize the Bar of the Province of Quebec to admit Louis Philippe Demers amongst its members, after examination.

Cap. 94. An Act to authorize the Bar of the Province of Quebec to admit John Napier Fulton among its members.

Cap. 95. An Act respecting the Statutes of the Province of Quebec.

Cap. 96. An Act respecting the Territorial division of the Province.

Cap. 97. An Act respecting the Legislative Power.

Cap. 99. An Act respecting the Department of the Law Officers of the Crown.

Cap. 100. An Act respecting the Department of the Provincial Secretary.

Cap. 101. An Act respecting the Treasury Department.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council approved by His Excellency the Governor General in Council on the 2nd April*, 1887.

The Committee of the Privy Council have had under consideration the Report, dated 22nd March, 1887, from the Minister of Justice upon the Acts passed by the Legislature of the Province of Quebec, in the Session of 1886, except Chapter 39, which will be made the subject of a separate report.

The Committee recommend that the attention of the Lieut. Governor of Quebec be called to the remarks upon Chapter 34: "An Act respecting the Bar of the Province of Quebec," and Chapter 98, "An Act respecting the Executive Power," with a view to his Advisers being invited to promote Legislation to meet the objections therein suggested, and that in the meantime action be deferred in respect to these Chapters.

The Committee further recommend that the power of disallowance be not exercised with respect to any of the remaining Acts, the titles and Chapters of which are given in the schedule attached thereto, and that the Lieutenant Governor be so informed.

All which is respectfully submitted for Your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk Privy Council.

Deputy Minister of Justice to Under Secretary of State.

DEPARTMENT OF JUSTICE, OTTAWA, 29th March, 1887.

MEMORANDUM *for the Under Secretary of State*—

I am directed to request you to be good enough, when the Order in Council respecting Chapters 34, 39 and 98 of the Acts of the Legislature of the Province of Quebec passed in the Session of 1886, reaches you, to transmit the necessary despatch to the Lieutenant Governor of that Province as soon as you can conveniently do so.

(Signed) A. POWER,
For Deputy Minister of Justice.

Secretary of State to Lieutenant Governor.

DEPARTMENT OF SECRETARY OF STATE, OTTAWA, 19th April, 1887.

SIR,—I have the honor to acquaint you, for the information of Your Government, that the Governor General has had under his consideration in Council, the Acts passed by the Legislature of the Province of Quebec in the Session of 1886, except Chapter 39 which is reserved for future consideration.

I have now to call your attention to the remarks of the Honorable the Minister of Justice upon Chapter 34, intituled: "An Act respecting the Bar of the Province of Quebec" and Chapter 98, intituled: "An Act respecting the Executive Power," as embraced in a Report of the Minister to His Excellency in Council, copy of which remarks is enclosed, with a view to your Advisers being invited to promote Legislation to meet the objections therein suggested, His Excellency being advised to defer action in the meantime with respect to these two Chapters.

As regards the remaining Acts, the titles and Chapters of which are given in the accompanying schedule, His Excellency is advised that the power of disallowance be not exercised with respect to any of them.

I have, &c.,

(Signed) J. A. CHAPLEAU,

Secretary of State.

His Honor
The Lieutenant Governor, Quebec.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, QUEBEC, 2nd May, 1887.

SIR,—I have the honor to acknowledge the receipt of your despatch, dated the 19th April last (Letter No. 1890) with which you transmit copy of a report of the Honorable the Minister of Justice, on the subject of the Acts passed by the Legislature of Quebec at the Session of 1886.

My Government will give every attention to the observations of the Honorable the Minister of Justice.

I have, &c.,

(Signed) L. R. MASSON,

Lieutenant Governor.

The Honorable
The Secretary of State, Ottawa.

Report of the Hon. the Minister of Justice on Chapter 39.

DEPARTMENT OF JUSTICE, CANADA, OTTAWA, 28th March, 1887.

To His Excellency the Governor General in Council:

By the Act of the Legislature of the Province of Quebec, 49-50 Victoria (1886) Chapter 39, after reciting that it would greatly assist the progress of public works and other improvements then going on in the Province, if facilities were offered to corporations and institutions, or loan and investment societies incorporated outside the limits thereof for the purpose of lending moneys, to lend and invest their moneys within the Province, and that it is expedient to confer on such institutions

and corporations or societies certain powers to contract and also to hold immovables within the Province, it is by the first section enacted as follows:

"1. Any institution or corporation or loan and investment society, duly incorporated under the laws of the Parliament of Great Britain and Ireland, or of the Dominion of Canada, for the purpose of lending or investing moneys, and authorized by statute, charter or instrument of incorporation, to lend money in this Province, may, on receiving a license from the Provincial Secretary authorizing it to carry on business within the Province of Quebec;

"1. Transact any loaning and investment business of any description whatever within the Province, in its corporate name, except the business of banking;

"2. Take and hold any mortgages on real estate, and any railway, municipal, or other bonds of any kind whatsoever, on the security of which it may lend its money, whether the said bonds form a charge on real estate within the Province or not;

"3. Hold such mortgages in its corporate name, and sell and transfer the same, at its pleasure; and,

"4. In all respects have and enjoy the same powers and privileges with regard to lending its moneys and transacting its business as a private individual might have and enjoy;

"Provided every such corporation, institution or society shall sell or dispose of any real estate which it may so acquire, by sale *en justice*, or by deed from the borrower or subsequent holder, in satisfaction of the loan, or under any agreement with the borrower or subsequent holder, within ten years from the date of such acquisition.

"Saving pending cases, any such corporation, institution or society, which has hitherto done such loaning and investment business in this Province, and which shall, within one year from the passing of this Act, obtain the license aforesaid, is hereby declared to have always had and to have lawfully exercised all the powers and privileges aforesaid."

In 1876 the Legislature of Ontario passed a similar Act (39 Victaria, Chapter 27) which was left to its operation without comment. (Provincial Legislation, p. 135.)

A similar Act of the Legislature of the Province of Manitoba (40 Victoria, Chapter 15) was subsequently left to its operation, with the observation that the right of a Provincial Legislature to provide for the granting of a license by a Province to a company incorporated by the Parliament of Canada, and which by its Act of incorporation could be given the right to do business in the various Provinces, is at least doubtful; but that inasmuch as similar legislation had been allowed to go into operation in the Province of Ontario, no interference was recommended (Provincial Legislation, p. 646).

By the 11th item of the 92nd Section of the British North America Act, 1867, the Legislature in each Province may exclusively make laws in relation to the incorporation of companies with Provincial objects, and by the 91st Section of the Act it is among other things in effect provided that the Parliament of Canada may make laws in relation to the incorporation of all other companies.

Although any company incorporated by the Parliament of Canada must, within any Province within which it is carrying on its business, be subject to all laws enacted by the Provincial Legislature (within its legislative authority), in the opinion of the undersigned it is not within such legislative authority to provide that such a company shall not do business within the Province without taking out a license for that purpose.

Apart altogether from the question of the relative powers of the Parliament of Canada and the Provincial Legislatures, it would, the undersigned thinks, be proper for Your Excellency in Council to disallow any Act of a Legislature by which burdens were imposed upon companies incorporated by Parliament, which were not equally imposed upon all companies doing business in the Province, or by which such companies were subjected to any unfair or unjust discrimination.

By the 7th Section of the Act of the Legislature of the Province of Quebec (49-50 Victoria, Chapter 39), under consideration, it is provided that the fee to be

paid by the company on the issue of such license shall be such as may be fixed by the Lieutenant Governor in Council. The 5th Section requires the company obtaining a license to give certain notices, and the 2nd Section establishes certain requisites which have to be observed before such company shall commence business.

In view of these provisions the undersigned cannot regard the statute in question as merely an enabling Act, as the preamble might cause it to be viewed, and he is of opinion that unless the Act is amended by striking out the words "or of the Dominion of Canada," where they occur in the first and sixth sections, it should be disallowed, because it prevents the operation (within the Province) of companies duly incorporated by the Parliament of Canada, without the compliance with certain restrictions which, in the opinion of the undersigned, the Legislature of the Province has no power to impose.

The undersigned recommends that the substance of this Report, if approved, be communicated to the Lieutenant Governor of Quebec, and that the further consideration of the Act be deferred for the present.

(Signed) JNO. S. D. THOMPSON,
Minister of Justice.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 2nd April*, 1887.

The Committee of the Privy Council have had under consideration a Report, dated 28th March, 1887, from the Minister of Justice, upon the Act of the Legislature of the Province of Quebec, 49-50 Victoria (1886), Chapter 39, intituled: "An Act to authorize certain corporations and institutions to lend and invest moneys in this Province."

The Committee recommend that the substance of the said Report be communicated to the Lieutenant Governor of Quebec for the information of his Government, and that the further consideration of the Act be deferred for the present.

All of which is respectfully submitted for Your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk Privy Council.

Secretary of State to Lieutenant Governor respecting Chapter 39.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 18th April, 1887.

SIR,—I have the honor to acquaint you, for the information of your Government, that the Governor General has had under his consideration in Council the Act of the Legislature of the Province of Quebec, 49-50 Victoria (1886), Chapter 39, intituled: "An Act to authorize certain corporations and institutions to lend and invest moneys in this Province."

His Excellency is advised, for the reasons set forth in the Report of the Honorable the Minister of Justice, dated the 28th March, 1887, copy of which is enclosed, to defer for the present the further consideration of the said Act.

I have, &c.,

(Signed) J. A. CHAPLEAU,
Secretary of State.

The Honorable
The Lieutenant Governor, Quebec.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, QUEBEC, 2nd May, 1887.

SIR,—I have the honor to acknowledge the reception of your despatch, dated the 18th April last (No. 1888) on the subject of the Act 49-50 Victoria, Chapter 39, passed by the Legislature of Quebec, and intituled: An Act to authorize certain Corporations and Institutions to lend and invest moneys in this Province."

The observations of the Honorable the Minister of Justice will receive the attention of my Government.

I have, &c.,

(Signed) L. R. MASSON,

Lieutenant Governor.

The Honorable
The Secretary of State, Ottawa.

Chancellor of McGill University to Sir John A. Macdonald.

MCGILL COLLEGE, MONTREAL, 23rd May, 1887.

DEAR SIR,—I regret to have for the first time, as Chancellor of the McGil University, to call your attention to an encroachment on the Educational rights of the Protestants of the Province of Quebec in which this University as well as other Educational Institutions is deeply interested.

Hitherto the guarantees given to the University under the Union Act have been in the main respected, so far as educational legislation is concerned; but recently Acts of the Legislature, ostensibly referring to professional bodies, have been introduced which seriously curtail our privileges.

More especially the Bar Act, passed in 1886 (49 and 50 Victoria, Cap. 34, Section 49) gives certain large educational powers to the Council of the Bar, a body in which Protestants necessarily constitute a small minority. Being in a professional Act, these did not at first attract the attention of educators, but regulations issued under them threaten to interfere with general education as carried on in Protestant institutions, and also more directly with the professional education provided by our Faculties of Law, in such a manner as to place Protestant students in a position of disadvantage not experienced before Confederation, and which inflicts upon the Protestant population of Quebec disabilities of a very serious character, more especially when placed in comparison with the privileges enjoyed by the Roman Catholic minority in the Province of Ontario.

Objection was at once taken to these regulations, and efforts were made to obtain remedial legislation in the last Session of the Provincial Legislature; but though the leading men both of the Government and Opposition expressed themselves as favorable to our claims, and though the two Protestant Universities, and the Protestant Committee of the Council of Public Instruction concurred in urging the necessity of immediate attention to the subject, yet owing to the shortness of the Session, and other causes, no relief was obtained; and before the Legislature can again meet we shall have entered on another educational year, and shall without doubt experience serious injury.

In these circumstances, as the Act in question remains under the jurisdiction of the Dominion Government at least until the 15th day of June next, we beg respectfully to ask that it be disallowed, or if that course is not seen expedient, we beg leave to enter an appeal under the Act of Union against its operation;—and we feel it our duty to take all available steps to protect our Universities and other educational institutions against serious injury that will be inflicted upon them in the meantime should the objectionable legislation complained of continue in force.

In taking this course we beg to express our confidence in the willingness of the Local Legislature to do justice in the matter, and are prepared to apply to it in the next Session for permanent relief; but we desire to obtain the immediate protection necessary to secure the interest of students in the approaching educational session.

I beg leave therefore on behalf of the University to pray that immediate relief be given in the premises and to express our willingness to present any evidence or documents that may be desired in order that our prayer may be favorably entertained by His Excellency the Governor General in Council.

I beg leave to forward with this letter certain statements and petitions referring to the details of the enactments complained of.

I have, &c.,

(Signed) J. FERRIER,

Chancellor.

The Right Hon.
Sir JOHN A. MACDONALD, G.C.B.

DOCUMENTS ENCLOSED.

1. Statement of the Protestant Committee of the Council of Public Instruction, Province of Quebec.
2. Petition of McGill University.
3. Statement of McGill University.
4. Letter of Sir William Dawson, of McGill College.

PROTESTANT COMMITTEE.

Protestant Universities and Superior Schools in relation to the Professions and Professional Examinations.

EXTRACT of Minutes of Meeting of Protestant Committee, Council of Public Instruction, held on Wednesday, 30th March, 1887.

"*Resolved*,—That the Report of the Sub-Committee named to consider the relation of Protestant Universities and Protestant Superior Schools to the Professions and professional examinations be adopted with the exception of that portion which may be supposed to raise the question of the constitutionality of Section 49 of the Act 49-50 Vic, Cap. 34, being an Act respecting the Bar of the Province of Quebec, which in the opinion of this Committee requires further consideration.

"And with the aforesaid reserve that the said report be placed in the hands of the Premier of this Province.

"And, in addition thereto, that the Secretary of the Committee be requested to draw up a statement setting forth the extent to which the course of study now followed in the Protestant schools in this Province is affected by the provisions of said section."

ELSON I. REXFORD,

Secretary.

Protestant Committee of the Council of Public Instruction.

REPORT of Sub-Committee on the relation of the Protestant Universities and Protestant Superior Schools to the Professions and Professional Examinations:—

Complaint is made that the Bar Act of the last Session has infringed on the rights and privileges of the Protestant minority in this Province, as regards education. By that Act both the general system of education, regulated by the Protestant Committee of the Council of Public Instruction, and the general course of study followed in the Protestant Universities (McGill College and Bishop's College), as well as the special law course of these institutions, have been interfered with, and are now endangered.

In order to attain to a clear understanding of the question raised, it will be as well to consider:—

1. What are the rights and privileges secured to the Protestant minority by the Confederation Act (The British North America Act, 1867)?

2. In what respects have these rights and privileges been infringed upon or set aside?

The following extract from the Confederation Act gives in full the clauses referring to education:—

"Sec. 93. In and for each Province the Legislature may exclusively make laws in relation to education, subject and according to the following provisions:

"1. Nothing in any such law shall prejudically affect any right or privilege with respect to denominational schools, which any class of persons have, by law, in the Province at the Union.

"2. All the powers, privileges and duties of the Union, by law conferred and imposed in Upper Canada on the separate schools and school trustees of the Queen's Roman Catholic subjects, shall be and the same are hereby extended to the dissentient schools of the Queen's Protestant and Roman Catholic subjects in Quebec.

"3. Where in any Province a system of separate or dissentient schools exists by law at the Union, or is thereafter established by the Legislature of the Province, an appeal shall lie to the Governor General in Council from any act or decision of any Provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.

"4. In case any such Provincial law, as from time to time seems to the Governor General in Council requisite for the due execution of the provisions of this section, is not made, or in case any decision of the Governor General in Council on any appeal under this section is not duly executed by the proper Provincial authority in that behalf, then and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the provisions of this section, and of any decision of the Governor General in Council under this section."

It is clear from these provisions that the differences known to exist in the several Provinces on the subject of education were recognized, and that while granting power to each Province to make its own laws in relation to education, the rights of minorities were to be respected and maintained.

Clause 1 guards denominational schools established in the Province at the Union.

Clause 2 provides that the powers, privileges and duties conferred and imposed at the Union in Upper Canada on Roman Catholics, shall be and are extended to dissentient schools, Roman Catholic or Protestant, in Quebec.

Clauses 3 and 4 give the right of appeal to the Governor General, and power to make remedial laws to the Parliament of Canada in case of need.

Now under Clause 1, the Universities must be classed:

1. Bishop's College is an institution founded and governed by the Church of England in Canada.

2. McGill College is essentially Protestant.

3. Laval is essentially a Roman Catholic institution.

Therefore no law should be or ought to have been passed, likely to affect prejudicially the rights or privileges of any of these institutions.

Selecting in the first instance, the Bar as a profession which has obtained special honors from the Legislature, let us examine its position at the Union, in relation to education.

The Bar Act of 1866, 29-30 Vic., Cap. 27, was in force at the time of Confederation. Referring to that portion of this Act regulating examinations and admission to study and practice we find that:—

Sec. 26 prescribes that every *council of a section* may make by-laws to regulate the examination for admission to the study and the practice of the profession of an advocate. * * *

Three or five members of the Bar who shall have practised more than five years as Advocates were to be appointed as a committee to examine candidates.

The requirements for practice (Vide Sec. 2, P. 1):—

"That he has studied regularly and without interruption under a notarial agreement as a clerk and student with a practising advocate during four consecutive years; or three consecutive years if he has followed a regular and complete Course of law in a University or Incorporated College, in which such course of law is established, which Course of Law shall be subject to the provisions hereinafter contained; and that he has taken a *Degree in Law* in such University or Incorporated College; and such course of law may be followed at the same time that the Student is serving his time of study under articles."

2. "The *Governor* from time to time may require of all Universities or Incorporated Colleges claiming to have established therein such a course of law, a *report fully showing the detailed requirements of such course*, and by Order in Council he may declare his approval thereof if the same are deemed sufficient; *or he may prescribe such other and further requirements* as may be deemed fit; and no diploma or degree in law shall avail under this section unless granted in conformity with the requirements of such Order in Council."

Such were the Bar regulations at the time of Confederation. After Confederation the Bar Act was amended in 1869.

32 Vic., Cap. 27, Sec. 18 of this Act, is interesting as defining the meaning of "Liberal Education." It reads as follows:—

The liberal education required for admission to the study of the law shall include a complete course of classical study, viz:—

"Latin rudiments, syntax, method, versification, belles-lettres, rhetoric and philosophy inclusive, *or any other complete course of classical study taught in Incorporated Colleges, Seminaries or Universities.*" No change or attempt to change the status of Protestants in the rights and privileges of the Universities was made under this Act.

In 1881 the Bar Acts were consolidated and changes of importance were then made. Under section 33 of this Act the *General Council of the Bar* is substituted for the Council of a Section in the control of the examination and qualifications of candidates for admission to the study of law, and by section 43 it is provided that in addition to the liberal education hitherto deemed sufficient, the candidate "must pass a written and oral examination" on the subjects indicated in a programme printed and published under their (the examiners) supervision or that of the Council.

These changes seem to your Sub-Committee a *direct infringement* of the rights and privileges of the Protestant minority, as will be explained below.

Lastly we come to the Bar Act of 1886—the Act of last Session—49-50 Vic., Cap. 34. By this Act further aggressive action is taken in favor of the General Council. *Vide* Sec. 41 and following.

We find that under Sec. 49 the *General Council* is substituted for the *Lieutenant Governor* in the powers before that time given to the latter to inquire into and when needed to prescribe the law course of the Universities. The General Council may

from time to time determine the subjects which shall be studied, and the number of lectures which shall be followed in each subject to constitute a regular law course.

And further the curriculum so established shall not be altered except by a *two thirds vote* of the members of the General Council, and the degree in law, as well as the law course, shall avail only in so far as the prescribed curriculum has been effectually followed by the University or College.

There is also a lengthening of the period of clerkship even to the holder of a degree under the above conditions, instead of a *three years* course he is made to serve *four years* with a practising advocate.

Thus far your Sub-Committee have dealt with the case of the Bar, but they regret to say that they are led to believe, on what they deem high authority, that the medical profession is also about to seek legislative powers so as to introduce changes into the medical list which tend in the same direction as those complained of in the Bar Act of last Session.

The cases of the two professions are not absolutely identical, for on the governing body of the medical profession the Universities are represented, *vide* 40 Vic., Cap. 26, Sec. 4, and 42-43 Vic., Cap. 37, Sec. 4, which is not the case with the Bar. As however no Medical Bill has yet—so far as your Sub-Committee is aware—been prepared, it is of course impossible to know the exact nature and extent of the powers to be asked for, but your Sub-Committee have reason to believe that the present system of examinations for the degrees in medicine and surgery which take place in the presence of assessors and qualify candidates for the license to practice as well as for the degree of C. M. M. D. (*vide* 42-43 Vic., Cap. 32, Sec. 13,) is to be changed and the University degrees are to be henceforth treated as purely honorary, the license to practice being given only after a separate and purely professional examination.

Your Sub-Committe would see no objections to this if there were a general *Medical Examining Board for the Whole Dominion* on which the Universities could be represented, so that the University degrees in medicine and surgery as well as the license to pratice would follow the results of this examination. In this way the tone and status of the profession would be raised, and the C. M. M. D. of Canada, would rank with any like degree in the world.

But failing this broader view of the question, your Sub-Committee see no advantage in the change from the present system. As to the examination for admission to study, it is purely a general educational question, not a technical one, and your Sub-Committee deprecate any interference on the part of professional bodies in the matter of general education as followed in Protestant Schools under the control of the Protestant Committee. All that any professional body is entitled to claim is that candidates for study should be proved to have had a liberal education. It must be clear to every thinking mind that privileges conferred upon members of a profession in their corporate capacity are so conferred in the interests of the public. They are not for the private benefit of the members of such profession. The legal, the medical and other professions are no doubt very important bodies to whom are committed the fortunes and lives of the citizens generally, and special obligations, as well as great privileges, are imposed and conferred on them for the public benefit. It is, therefore, a matter in which the general public are concerned that due care should be exercised as to the admission of candidates both to the study and practice of these professions. But that these professional bodies should become *close corporations* with power to bar the doors against all but persons whose liberal education has been carried on only after the programme of each profession, is a monstrous evil which needs only to be mentioned to be condemned.

So long as the Lieutenant Governor in Council—the head of the State—exercised a power on behalf of the citizens at large, all was well, more especially as it was understood that there would be no interference except in case of some acknowledged abuse, but to transfer this power to a professional body which, by its very nature and constitution, must be considered one-sided and partial, is, on the face of it, open to very serious objections.

The danger lies in the fact that the proportion of Protestants to Roman Catholics in this Province is only as one to six, and by the Constitution of the General Council of the Bar, that body will have a large number of its members, perhaps all, Roman Catholics.

There was a certain amount of danger when the control lay with the Councils of Sections, but as in Protestant districts there was a tolerable certainty of Protestant representation in the Council, there was nothing serious in this danger.

But the programme of the General Council ignores Protestant Education altogether by the introduction of subjects extraneous to the system.

They put aside the well known fact that so diverse are the systems of Roman Catholics and Protestants, that two Committees of the Council of Public Instruction exist.

The provisions—quoted above—made at the time of Confederation recognize this divergence, and guard the rights of minorities, whether Roman Catholic or Protestant.

Your Sub-Committee can come to no other conclusion than the following :—

1. That the attention of the Government be formally called to the serious disadvantages from which the Protestant population of this Province are now suffering, through the operation of the Bar Act of last Session, which in many of its clauses infringes on their rights and privileges.

2. That a demand be made for the abrogation of the objectionable clauses of the said Act.

3. That in order to guard against a recurrence of the evil complained of, the Legislature be requested to make provision for the appointment of two Examining Boards for the examination of candidates seeking to enter on the study of all or any of the professions.

4. That one of such Examining Boards be Roman Catholic, the other Protestant, and that each Board be appointed by its own proper Committee of the Council of Public Instruction.

5. That the Arts degrees of the Universities be recognized, as entitling the holders of such degrees to enter on the study of any profession without preliminary examination, on the ground that these degrees constitute in themselves the best possible evidence of a liberal education.

6. That no interference in the curriculum of study of any Faculty of any University by any professional body be allowed, but that the principle of the law, giving power to the Lieutenant Governor to inquire into, and if needs be, prescribe the course of study, be restored, it being taken for granted that due care would always be shown in instituting such inquiry.

That no privilege be granted to any University not shared by the others now existing in this Province, or which may tend to the disadvantage of any one of such Institutions.

All which is respectfully submitted.

STATEMENT concerning the relation of Protestant Superior Schools to the Professions and Professional Examinations, prepared in accordance with the resolution of the Committee.

The Legislature of the Province has provided two separate systems of superior education to meet the requirements of our mixed population, which it maintains by large annual subsidies.

Under legislative sanction the Protestant Committee has put into operation a complete course of study, which leads by regular steps from the lowest class in the Primary School through the Protestant Superior Schools to the last year of the University Course. This is a thorough course, similar in its extent and requirements to that followed in the sister Provinces of the Dominion, in the United States

and in England. In the Superior Schools where this course is followed the young men from the Protestant section of the population receive their education and they have a right to expect that, after they have completed a course sanctioned and subsidized by the Legislature of the Province, their course of study will be recognized in any provisions which the Legislature may make for literary examinations. Protestant young men find however on presenting themselves for the examination for admission to study prescribed by the Council of the Bar that the examination is based upon the course of study followed in the Roman Catholic Superior Schools, and that their own course of study has not been considered.

These disadvantages and difficulties under which candidates from Protestant Superior Schools are thus placed arise from three prominent differences in the course of study followed in the Roman Catholic and Protestant institutions.

First,—There is a difference in the subjects included in the two courses.

For example,—The subject of "*philosophy,*" which forms a prominent feature in Roman Catholic Superior Schools, is entirely unknown as a school subject among Protestants.

Second,—The order in which the several subjects of the course are presented to the student is quite different in the two courses.

Elementary mathematics, which comes in at very early stage in Protestant schools is postponed to a much later point in Roman Catholic institutions.

Third,—There is a marked difference in the two courses as to the relative importance attached to the different subjects, as indicated by the marks given for the several subjects and by the percentage required to pass according to the Bar examination. For *philosophy* two hundred and fifty marks are given and half marks are required to pass, whereas for the five subjects—arithmetic, algebra, geometry, chemistry and physics—only two hundred and fifty marks are given, and one quarter of total marks and one-seventh marks in each subject are required for passing. Such a system of marking bears very heavily upon candidates from Protestant Superior Schools which give prominence to the last five subjects and omit "philosophy."

It is evident from these references, which could be multiplied, that the action of the Council of the Bar and all similar action, is a serious interference with our Protestant Superior Schools. Under the circumstances it seems only right and reasonable to demand, on the part of these institutions, that these difficulties be removed, either first by providing two separate examinations based upon the courses of study followed in the Roman Catholic and Protestant institutions respectively, or, second, by having one examination so far as the courses of study are in common, and allowing options when the two courses diverge.

UNIVERSITIES AND THE PROFESSIONS.

(*From "Montreal Gazette" of 13th and 15th April,* 1887.)

To the Editor of the *Gazette :*

SIR,—I venture to ask for space in your paper to remark on the "educational" clauses, if I may so call them, of the Bar Act of the last Session of the Provincial Parliament.

I am glad to find that public interest is aroused on this subject. It is a hopeful sign, and the discussion cannot but be productive of good results, if "temper" can be kept within bounds. In stating my view of the case I shall endeavor to be as brief as possible.

The Bar Act of last Session provides:—

"1. That the examination of candidates both for study and practice shall be under the control of the 'General Council.'

"2. That three examiners—members of the Bar—are to be appointed by each section of the Bar. But it is in the power of the 'General Council' to change this

number and the period of their service. These examiners are to be divided into two boards, one for admission to study, the other for admission to practice.

" 3. In addition to these examiners, the 'General Council' may appoint persons selected from outside the profession to assist the examiners in the written and oral examination of candidates for study.

" 4. Every candidate for study must prove to the satisfaction of the examiners that he has received a 'liberal and classical education,' and undergo to their satisfaction a 'written and oral examination in the subjects indicated in the programme of the General Council.'

" 5. The proceedings and decisions of the examiners cannot be attacked, and all their decisions are final and without appeal."

Such is a short *résumé* of the regulations as to candidates for study.

The questions which arise in the mind in considering these regulations are as follows :

1. What is the constitution of this "General Council " to whom such powers are entrusted ?

2. What is meant by that " liberal and classical education of which the candidate is to make proof; and what is likely to be the nature of the "programme" which the General Council has power to prescribe?

Let us discuss these questions in order :—

1. The General Council is composed of the batonnier and a delegate from each of the sections of Montreal, Quebec, Three Rivers and St. Francis, and of the batonnier of Arthabaska and Bedford, and of each of the sections which may hereafter be established. To this representative body is added the Secretary-Treasurer of the General Council—who is elected by the Council. Thus the present body consists of eleven members, the majority of whom form a quorum, and the president—who is batonnier of the Province—has a casting vote in addition to his ordinary vote. Now, if it be borne in mind that the Protestant population of the Province is as one to six, as compared with the Roman Catholic population, it cannot be considered an unlikely conclusion that the majority of the General Council will always be Roman Catholic, and the Council may be entirely composed of Roman Catholic members. The present Council consists of seven Roman Catholics and four Protestants, the representative batonnier from Sherbrooke being a Protestant. A Roman Catholic has more than once filled this office in Sherbrooke, and a Roman Catholic will undoubtedly be again elected, for I believe, in our happy community, but very little, if any, race or religious jealousy exists amongst the members of the legal profession.

1. But it is well known that the Roman Catholic and Protestant theories of education in this Province differ widely, and have so differed for many years before, as well as since, Confederation. It is only necessary, in proof of this assertion, to point to the two committees of the Council of Public Instruction entrusted with the oversight of public education in this Province. Applying this recognized fact to the case in point, of the powers given to the General Council of the Bar to prescribe a programme of study, and it will be seen that this programme may be, and most likely will be, based on the Roman Catholic theory of education alone.

A mere enumeration of subjects taught in the schools and colleges might lead a superficial observer to believe that the same system is in force in the schools of each class of the population, but the practical educationist knows that, even in the study of Latin, Greek and mathematics, different systems and different text-books prevail, and that in history, philosophy and some other subjects, fundamental differences exist.

It is not, therefore, unreasonable to conclude that the Bar Act of last session, by the provisions above referred to, unintentionally no doubt, but not the less really, did strike a blow at the system of education in vogue amongst the Protestant minority, and infringed on the rights and liberties of Protestants as guaranteed, or supposed to be guaranteed, at Confederation.

It may be claimed that the Roman Catholic members of the General Council have never infringed or intended to infringe, on Protestants' rights or privileges, and

have invariably treated their Protestant *confrères* with courtesy and liberality. I believe this to be true so far as intention goes, and I am the last man in the world to raise a religious or sectional cry amongst a population so mixed as is that of this Province. But I hold that such grave matters should not be left to good will or good intentions. All that is claimed by Protestants is to have equal rights with their Roman Catholic fellow-citizens, and the best way to secure good will is to have the terms of the agreement strictly defined. What is needed, therefore, that there shall be two separate boards of examiners for the examination of candidates seeking to enter on the study of any or all of the professions—one of these boards to be representative of the Roman Catholic system of education, the other of the Protestant system.

In this way, candidates will be examined under the system of the schools in which they have been educated, and the rivalry will be without jar, leading to no feeling of injustice or want of harmony.

The object of combining the examination for all the professions, instead of delegating to each body the power to have its own special preliminary examination is that, for admission to study, all that is really needed is proof of a "liberal education," and it would be impossible in any academy or high school to prepare students for half a dozen different professions, if each professional body demanded a special programme of study. The unfortunate principal of an academy has already quite enough to do to comply with the regulations already in force, demanding the careful teaching of the English language and literature, of Latin (Greek is optional), but the teacher must be prepared to teach it on the demand of the student), of French, of Euclid, algebra, arithmetic, history, geography, and drawing. Surely, a student who has passed in these subjects, and is thereby enabled to matriculate in a university, must be pronounced qualified to enter in any of the several technical and special subjects required for professional training. Apart from the different method of teaching, and the difference in text-books used in Roman Catholic and Protestant Schools, Roman Catholics give a certain amount of training in their colleges in "philosophy." I am not aware to what extent this is carried, but I am informed that it differs materially from the treatment of the same subject in the Protestant universities, where it forms with logic and rhetoric a part of the B. A. course. It is, however, not taught in Protestant academies or high schools. It is treated as an advanced subject, and forms, as above stated, part of the university course.

But if the professional bodies insist on a higher training than is given in the Protestant academies, then let them encourage university training. If students of matured minds are alone to be admitted to the study of a profession, the acceptance of the university degree of B. A. should be acknowledged as a sufficient qualification. The men who have devoted three or four years to abstract studies and passed the B. A. examination, have given the best possible proof of their fitness for entering on technical studies. The Bar declines to acknowledge this, and the medical profession (if the meeting recently held in Quebec be taken as the exponent of the opinions of the whole medical profession) follows suit. It is said that objection is taken to the teaching in some of the French incorporated colleges, and the graduates of the Protestant universities must suffer because of the defects of those institutions. The statement may be true or not, but Protestants have nothing to do with it; it lies out of their control. If true, it supplies another strong argument for separation in examination by two examining boards. The feeling among educated Protestants is that if their universities cannot qualify men to enter on the study of the law, of medicine, of engineering, or the notarial profession, of theology, or of any technical subject, then university education is a mere delusion and universities are useless and costly absurdities. And if this be so, the universities of the civilized world, old and new, should be abolished. The University of London, and the new University of Victoria, in the manufacturing districts of England, the Scotch and Irish universities, are all heavily subsidized by the State. All this is wrong, the money is wasted, if a university training yields no practical result. Instead of universities, each professional body must, for itself, establish schools and training

institutions for the qualification of candidates. Such a result would be, in my humble opinion, to cramp the mind, to reduce it to a mere machine. It would give educational sanction to the "division of labor," under which fourteen different operatives are required to spend their lives in the fourteen different operations involved in the manufacture of a pin.

Such seems to me to be the logical conclusion of the demand, that to each separate professional body, should be committed the power to control and regulate the nature and extent of the education of candidates desirous of entering on professional studies. I have carefully avoided any reference to the other question of the admission to practice, which, as a professional question, only indirectly affects the public. The wish was to discuss each part of the subject on its own merits, and to avoid confounding them.

The only remedy for the evils pointed out is by an amendment to the Bar Act, which shall abrogate the objectionable clauses, and substitute regulations, clearly and finally (I hope) settling the question in the manner I have indicated, so far as the legal profession is concerned, or to make the requisite rules and regulations a part of the educational law of this Province.

Yours obediently,

R. W. HENEKER.

SHERBROOKE, 12th April, 1887.

PROFESSIONAL EDUCATION.

To the Editor of the *Gazette :*

SIR,—In my former letter, I limited my remarks to the question of the admission to study. I will now touch upon the other point, not less interesting, but more professional—the regulations as to the admission to practice.

I propose, in the first place, to consider the reasons which must have weighed with the Legislature in granting charters of incorporation to persons engaged in professional pursuits.

All civilized nations have, I believe, felt it to be wise to grant special powers to professional bodies, but such powers are granted, not for the private benefit of the grantees, but because the interests of the public are thereby served.

No one will, I feel sure, gainsay for one moment that great advantages accrue to the public through the incorporation of the professional bodies, to whom are committed, more or less, the lives, the health, the property, and the liberty of the people.

The responsibility thrown on professional men demands care on their part that fitness, and professional character, and honor are maintained.

The principle is not new. Trades, as well as professions, were governed by "guilds" in the middle ages; and even to the present day, in some countries, no man can exercise a trade without serving a long apprenticeship with a master mechanic.

That large power should therefore be given to the professions in this respect, is in my opinion a correct principle, but such powers must be used in the public interest, and they must not run counter to, but be in accordance with other established rights and privileges also granted for the public good.

The question for consideration then may be classed under three heads, viz. :—

1. Does the Bar Act give such powers as conflict with the public interest?

2. Does the powers given in the Bar Act run counter to, or encroach on other established rights and privileges ?

3. If so, is this encroachment excusable in the public interest ?

It will be seen that I make the " public interest " the ultimate test.

In connection with the first of these questions, it will, I think, be admitted that it is desirable in the public interest that none but trained minds should enter in the

practice of the professions, and it is of importance that there should be training schools for the instruction of candidates in the theory as well as in the practice of the professions.

The only training schools in this Province where "theory" can be studied are those founded and maintained by the Universities,—familiarity with practice is obtained in law in the office of a practitioner; in medicine by attendance in the hospitals.

Each part of the training is important, the one as important as the other—but both together assist in educating the professional man.

Now if the effect of the Bar Act is to close the University Schools by imposing a curriculum in them which they cannot follow, not the professions only, but the general public must suffer. And this, it is declared, will be the consequence of the committal to the General Council of the Bar of the power of prescribing the course of study to be followed in the Universities; a course of study be it remembered which does not carry with it any privilege of practice, but simply gives the University graduate the privilege of one year's shortened service with a practitioner—and does not exempt him from the Bar Examination.

The Professors of the two Protestant Universities unhesitatingly declare that the obligation to give 1,050 lectures in a three year's course, is neither necessary nor of advantage to the student, and yet involves such a sacrifice of time on the part of the professors themselves, that very few of the leading practitioners will give the time for the work of preparing and delivering the lectures.

The student also, who has to follow such a course, must give his whole time to his lectures, and thereby lose to a great extent the benefit of his practical training in the courts and in the office of his "patron."

I am quite aware that it is a moot question, but there undoubtedly seems to be "point" in the argument, and it surely cannot be for the public interest that two out of the three University training schools should be closed to students, and that but one (that one a French University, demanding more or less intimate acquaintance with the French language,) should be left for the study of the theory of the law.

Then, the Universities maintain that the power committed to the General Council of the Bar, directly interferes with their rights. They are willing to submit to guidance, in the public interests, from the Governor or Lieutenant Governor, the head of the State, but they repudiate dictation from a professional body. They will rather close their schools than submit to such dictation.

It must be borne in mind that when mention is made of the universities in this argument, the real objectors are those professional men who form the particular Faculty of the University, with others who value University training as something higher and broader than mere professional training.

If the result of closing these schools be brought about, then the study of law in the Universities will be confined to those broad principles of law which every educated man should understand.

Some may argue that this result would be really to the advantage of the public, but, if carried out, must necessarily involve a complete change of system. In such case, the professional bodies must themselves establish law schools, with a staff of professors for teaching the theory of the law, and this will not settle the ever ending dispute between these two systems—except by forcing on the minority the will of the majority.

The answer to my third question is involved in the answer to the other two, and public discussion, not mere professional discussion, seems necessary on this subject.

I am, myself, not prepared to give a definite answer to the principle involved, but it seems to me that due care should be taken, even on the part of an overpowering French majority of the Bar, not to precipitate matters. It is of vital interest to the country that the two sections of the people should live in harmony, without any grievances, real or fanciful, to embitter the relations between the two

As regards the Universities, I feel that in this new country we must, if we are to hold any position in the world, train our men, and train them highly, for the work we expect of them. And this can only be done through the Universities.

I ask any impartial man, to look at the class of men who govern England to-day —whether known as Conservatives, Liberals or Radicals—such men for instance as Mr. Gladstone, Lord Salisbury, Mr. Goschen, Mr. John Morley, and the late Lord Iddesleigh (Sir Stafford Northcote). Such men are the products of English Universities.

I say then, avoid carefully the weakening of our University system. It is weak enough as it is, and requires the support of men of a high class, as well as of money. In time the ball will gather as it rolls, and we may hope to show a good result from institutions founded in faith and love, and carried on under adverse circumstances with self-denial and hope.

Do not let us weaken its influence, or throw unnecessary impediments in its way.

Your obedient servant,

R. W. HENEKER.

SHERBROOKE, 13th April, 1887.

STATEMENT on behalf of McGill University respecting the relations of General and Professional Education in the Province of Quebec, in connection with the Protestant educational system.

I. With reference to the examinations preparatory to professional study, the attention of those interested in general and professional education is invited to the following facts:—

1. The Protestant population possesses, under Legislative sanction and under the control of the Protestant Committee of the Council of Public Instruction and of the Department of Education, a complete course of study, extending from the Elementary Schools to the Universities. In this course, definite and rigorous examinations are conducted in every grade by the best examiners the Province can afford, and it is believed that this system provides an education equal to that exacted in any country for entrance into the study of the learned professions. The certificates and degrees based on this course of study and its examinations are now accepted for the above purpose in the other Provinces of the Dominion, and also in the medical and law schools of Great Britain and Ireland.

2. It is held that the Councils of the several professions should content themselves with fixing the stage in the general education provided under the educational law, which may be necessary for entrance into professional study, and should allow the attainment of this to be ascertained by examiners under the two committees (Roman Catholic and Protestant) of the Council of Public Instruction. Should the professional bodies desire any amendment in the course of study, this can best be attained by application to the educational authorities charged by the law of the Province with this duty.

3. The action of the Professional Councils, in instituting separate examinations, is injurious to education, by exacting requirements not always in accordance with each other, nor with the systems of education in the Province. Such action consequently tends to the frittering away of the time and energies of teachers and pupils, to incomplete courses of study, to the substitution of "cram" for actual education, and to many failures in the examinations.

4. Special injustice is inflicted on the Protestant population, when only one preliminary examination exists, and this based principally on the educational methods of the majority, which are in many respects dissimilar from those of the Protestant schools, even when the names designating the subjects are the same. This is

aggravated by a scale of marking attaching great comparative value to subjects such as "philosophy," as taught in the system of the majority, and to which Protestant educators do not attach so much importance as a part of preparatory education.

5. Whatever opinions may be entertained as to the relative values of the Roman Catholic and Protestant systems of education as existing in this Province, it is certain that both are recognized by law, and that in the Confederation Act guarantees were given to the minority that its system would not be interfered with or rendered invalid for practical purposes. It is believed also that the Protestant system has proved itself at least equal to the other, even under the present disadvantages.

6. The Degree of Bachelor of Arts, as granted by the Protestant Universities, after courses of study and consecutive examinations extending over three or four years beyond the Academy or High School standard, implies the highest kind of preparation attainable in this Dominion or elsewhere. This degree is accordingly accepted for entrance into the highest professional schools of the Mother Country and of the other Provinces, and the fact that it is not accepted in this Province is a reproach to our country, a disparagement of our Universities and a great discouragement to the higher education.

For the above reasons it is held by the Protestant Committee of the Council of Public Instruction and by the Protestant Universities:—

(1.) That the Degree of Bachelor of Arts should be accepted as evidence of qualification to enter on the study of any profession.

(2.) That for those not possessing this degree there should be one public Examining Board, acting under the educational authorities of the Province, and providing for entrance into the study of all the professions.

(3.) That this Board should be divided into two sections for Protestant and Roman Catholic candidates respectively.

(4) That the action of the Professional Councils in reference to general education should be limited to indicating to the examiners the extent of the examination required for entrance into the several professions, and to securing certificates of the same from the examiners.

The above provisions are substantially those of the Hon. Mr. Lynch's Bill, now before the Legislature, and it is hoped that the Professional Councils will concur with the Universities and the educational authorities in favoring this measure, the effect of which it is believed will be to secure a much higher standard of preparatory education than that now attained.

II. With reference to the examinations for license to practice, it is held by the Universities:—

1. That their courses of study should be respected and should not be interfered with by the Professional Councils, except in case of any grave abuses; since it is not the Councils but the Universities that are recognized by Royal Charters and Legislative enactments as teaching bodies.

2. That the privileges with reference to admission of graduates to practice, heretofore enjoyed by the Protestant Universities cannot constitutionally be withdrawn by any action of the Provincial Legislature; and that it is not in the interest of professional education that these privileges should be relinquished in favor of a Central Professional Examining Board distinct from the Universities.

3. That the action of the Professional Councils with reference to the Professional Faculties would be most beneficial if limited to such reasonable oversight, through the Provincial Government or by assessors or otherwise, as might be agreed on; and which, while respecting the chartered rights and guaranteed privileges of the Universities, should satisfy the Professional Councils as to the sufficiency and proximate equality of the courses of study pursued and examinations required.

MONTREAL, May 10th, 1887.

APPENDIX.

The following documents are submitted as confirmatory of the above statements and claims:—

(1.) *Resolutions of the Protestant Committee of the Council of Public Instruction (March 30, 1887.)*

1. That the attention of the Government be formally called to the serious disadvantages from which the Protestant population of this Province are now suffering through the operation of the Bar Act of last Session, which in many of its clauses infringes on their rights and privileges.

2. That a demand be made for the abrogation of the objectionable clauses of the said Act.

3. That in order to guard against a recurrence of the evil complained of, the Legislature be requested to make provisions for the appointment of two Examining Boards for the examination of candidates seeking to enter on the study of all or any of the professions.

4. That one of such Examining Boards be Roman Catholic, the other Protestant, and that each Board be appointed by its own proper Committee of the Council of Public Instruction.

5. That the Arts degrees of the Universities be recognized, as entitling the holders of such degrees to enter on the study of any profession without preliminary examination, on the ground that these degrees constitute in themselves the best possible evidence of a liberal education.

6. That no interference in the curriculum of study of any Faculty of any University by any professional body be allowed, but that the principle of the law, giving power to the Lieutenant Governor to inquire into, and if needs be, prescribe the course of study, be restored, it being taken for granted that due care would always be shown in instituting such inquiry.

7. That no privilege be granted to any University not shared by the others now existing in this Province, or which may tend to the disadvantage of any one of such institutions.

(2.) *Statement concerning the relation of Protestant Superior Schools to the Professions and Professional Examinations, prepared by the Secretary of the Protestant Committee, March,* 1887.

The Legislature of the Province has provided two separate systems of superior education to meet the requirements of our mixed population, which it maintains by large annual subsidies.

Under legislative sanction the Protestant Committee has put into operation a complete course of study, which leads by regular steps from the lowest class in the Primary School through the Protestant Superior Schools to the last year of the University Course. This is a thorough course, similar in its extent and requirements to that followed in the sister Provinces of the Dominion, in the United States and in England. In the Superior Schools where this course is followed, the young men from the Protestant section of the population receive their education and they have a right to expect that, after they have completed a course sanctioned and subsidized by the Legislature of the Province, their course of study would be recognized in any provisions which the Legislature may make for literary examinations. Protestant young men find however on presenting themselves for the examination for admission to study prescribed by the Council of the Bar that the examination is based upon the course of study followed in the Roman Catholic Superior Schools and that their own course of study has not been considered.

These disadvantages and difficulties under which candidates from Protestant Superior Schools are thus placed arise from three prominent differences in the courses of study followed in the Roman Catholic and Protestand-Institutions.

First,—There is a difference in the subjects included in the two courses.

For example,—The subject of "*Philosophy*," which forms a prominent feature in Roman Catholic Superior Schools, is entirely unknown as a school subject among Protestants.

Second,—The order in which the several subjects of the course are presented to the student is quite different in the two courses.

Elementary mathematics, which comes in at a very early stage in Protestant Schools, is postponed to a much later point in Roman Catholic Institutions.

Third,—There is a marked difference in the two courses as to the relative importance attached to the different subjects, as indicated by the marks given for the several subjects and by the percentage required to pass according to the Bar examination. For *Philosophy* two hundred and fifty marks are given and half marks are required to pass, whereas for the five subjects—Arithmetic, Algebra, Geometry, Chemistry, and Physics—only two hundred and fifty marks are given, and one quarter of total marks and one-seventh marks in each subject is required for passing. Such a system of marking bears very heavily upon candidates from Protestant Superior Schools which give prominence to the last five subjects and omit "Philosophy."

It is evidence from these references, which could be multiplied, that the action of Council of the Bar and all similar action, is a serious interference with our Protestant Superior Schools. Under the circumstances it seems only right and reasonable to demand, on the part of these institutions that these difficulties be removed, either first by providing two separate examinations based upon the courses of study followed in the Roman Catholic and Protestant Institutions respectively, or, second, by having one examination so far as the courses of study are in common and allowing options when the two courses diverge.

(3.) *Extracts from the Report of a Committee on Recent Regulations respecting Professional Examinations, presented to the Corporation of McGill University, January 27th*, 1887, *and adopted by that body.*

The points which appear to your Committee most important in relation to the interests of the University, and of the higher Protestant Schools, are the following:—

1. That it is just and expedient that in the case of Protestant candidates for examination for entrance into professional studies, the courses of study prescribed by the Protestant Committee of the Council of Public Instruction, for the highest grade of the Academies and those of the Protestant Universities for matriculation, should be fully recognized as valid and sufficient.

2. That in the case of those who have taken the Degree in Arts of the Universities, this degree should be recognized as qualifying to enter on professional study without further examination. In all other countries possessing Universities this privilege is given, and it is obviously expedient, as inducing candidates to pursue a thorough preparatory education. It is also submitted in this connection that the course of study in Arts in the Protestant Universities is in every respect adequate, and is equal to that given in other countries, and to which such privileges are there granted.

3. That with reference to the entrance on professional practice, the Protestant Universities have a right to claim: (1,) That their Royal Charters shall be respected, as giving them the right to determine the courses of study adequate for professional as well as other degrees. (2,) That under the Confederation Act they can claim the continuance of all educational "rights and privileges," possessed by them before Confederation. (3,) That it is especially unjust that powers bearing on the educa-

tional rights of Protestants should be handed over to professional councils, of which a majority must consist of men trained under a system very different from that of the Protestant Universities.

Your Committee would therefore recommend that the above statements be forwarded to the Protestant Committee of the Council of Public Instruction, through its Sub-Committee, and that it be requested to take such steps in the premises as may seem best fitted to secure the rights of Protestant education with reference to professional study, whether in law or medicine or in other professions.

Your Committee would farther ask the attention of the Corporation to the proposals of the Medical Council, intended to be submitted to the Legislature as its next meeting, to withdraw the present rights of medical graduates to registration, and would recommend that the privileges of the University, under the Act of Confederation, be especially urged in relation to this matter.

THE RELATION OF McGILL UNIVERSITY TO LEGAL EDUCATION.

[Letter by Sir William Dawson, LL.D., &c., *Montreal Gazette*, 19th April, 1887.]

To the Editor of the *Gazette*:—

Sir,—The subject of professional education is not usually very interesting to the general public, but at a time when we are practically told that all we have labored to establish here in connection with our Protestant universities must be abandoned in favor of the system of the French majority, and that our universities and professional schools are not needed in a Province already provided with education supposed to be suitable to the greater part of its people, it is well that the friends of education should give a little attention to the subject. Dr. Heneker has already ably argued on public grounds the claims of the law courses of the universities, as well as those of the institutions of general education in connection with the preliminary examinations, and I now wish to follow this up with some special statements respecting the Law Faculty of McGill, the older of the two connected with the Protestant universities, and which seems particularly aimed at in some statements which have been made in your columns and elsewhere.

The time was when professional education was limited to an apprenticeship with a practitioner, but that has long since passed away in all civilized countries, and systematic teaching by learned and able professors is held to be indispensable. This work has in every country devolved largely on the universities, and has been carried out most successfully by them. In this Province, and in the case of a university intended specially to provide for the higher education of the English-speaking minority, it appeared from the first essential that professional education should be attended to, and McGill has taken a leading place not only in this Province but in the Dominion of Canada, in its schools of law, medicine and applied science, and this greatly to the advantage of Montreal and of the Province generally.

The McGill faculty of law was organized immediately after the amended charter of 1852 had been secured, and was an object of special interest to two members of the board of governors who have now passed away, and to whom Canadian education owes much, the late Chancellor of McGill Uuniversity, the Hon. Judge Day, and the Hon. Judge Dunkin. Both of these gentlemen gave much time and thought to the regulations of the new faculty, which consisted at first of the Hon. Judge Badgley, the Hon. Mr. Abbott and the late Hon. Judge Torrance, but has since been enlarged, until at present it has seven professors and a lecturer, while its course of study, originally planned by the eminent men above named, has, like those in our other faculties, been greatly extended and improved, and this to such an extent that the number of lectures delivered since 1872 has been double that in the earlier sessions of the faculty. Even since 1885 the course has been still farther enlarged and rearranged.

It might almost be inferred, from some statements which have been circulated, that students can enter into the classes of the faculty without any matriculation examination. On the contrary, every student must pass an examination before entering into the first year. As stated in the calendar, in which its details are annually advertised, this includes Latin, English and French, mathematics, history, and even a certain amount of rhetoric, logic and ethics, which take the place of the "philosophy," respecting which so much has been said. Graduates in Arts are, of course, received without examination. The course of study extends over three years, and provides for a very wide range of legal acquirements, the details of which are stated in the university calendar. It has been said that the lectures are not actually delivered, but this is quite incorrect. The session is divided into two terms, each professor delivering a daily lecture during one of these terms, so that four of the professors lecture in the first term and three in the second. According to the returns made by the secretary of the faculty, over 300 lectures were delivered in the session just closed. I do not admit, however, that the value of our course in law is to be estimated merely by the number of lectures. Quite as much depends on the nature of the lectures and on their tendency to aid and stimulate reading, study and independent thought on the part of the student. Much also depends on the judicious division of the subjects between the different years. It is thus quite conceivable that, under favorable circumstances, four or five hundred lectures may be more valuable to a student than the one thousand or more which the secretary of the Council of the Bar desires. It is also to be observed that law students are usually under apprenticeship, and are obliged to devote the greater part of their time to office work.

The students are required to attend regularly and punctually, and examinations are held at the end of each term with a final examination for the degree, so that each student has to pass six examinations conducted by written papers, in addition to the matriculation examination, and has also to prepare a thesis before graduation. That occasional interruptions should occur in some sessions in certain courses of lectures delivered by professors engaged in active practice, is inevitable, but such blanks have been supplied as far as possible by additional lecturers, and when professors, by reason of legislative or judicial duties, have been unable to attend to their lectures, they have retired in favor of others, or have been placed on the list of emeritus professors. It is quite easy, however, for persons disposed to be critical to magnify the omission of a few lectures in one course, owing to some accidental cause, into an entire failure to deliver lectures. The names of Kerr, Trenholm, Archibald, Lareau, Hutchison, Robidoux and Davidson, who constitute the present faculty, are a sufficient guarantee for the character and good faith of the course.

When the great importance of the legal profession is considered, and the fact that the judicial bench as well as the halls of legislation and many important public offices demand a high legal training, it is evident that the continuance of such a course of study is of the greatest value to the community, and the public may entertain the utmost confidence that the university, for its own credit and in the interest of the higher education which it is its special business to sustain, will neither permit students to enter without preparation nor to graduate without a regular course of study and a searching examination, while it also offers a gold medal, honors and prizes, as rewards to stimulate to special effort. All this can and will be done quite independently of the Council of the Bar, and without any legal compulsion on the part of that body. I may add that while I object on every principle of sound education and of civil right to place the curricula and examinations of our Protestant education in the hands of the professional councils, I feel confident that their interference in the manner indicated in the recent regulations of the Council of the Bar, will degrade and not elevate the legal profession.

The results of the system which this university has pursued are apparent in its list of graduates. We have at present a little over 400 bachelors of civil law, of whom a few have been removed by death and some have settled in other Provinces of the Dominion or in the United States, but the greater number are actively and creditably pursuing their profession in this Province. In glancing over the names

on our list, I observe that at least forty represent men who are, or have recently been, members of the Dominion, or Local Governments or Legislatures, or who are occupying judicial or other important public positions, and several of these are graduates in arts as well as in law. This is an evidence that here, as in the mother country, the university training tells in the higher walks of professional and public life, and that the particular form of such training represented by our Protestant educational system is highly efficient in this respect. The large number of French names on our list of graduates reminds me that we have been working in this department for both of our people, and that no distinctions of creed are known in our professional classes. The university has a right to expect that in the present crisis all its graduates, of whatever race or creed, will remember the benefits they have received from it and will actively defend its educational rights.

The above statements will, I hope, serve to show that it is the duty and interest of the public to sustain the general educational system of the country and the universities against the encroachments of the professional councils, however well meant these may be, on the ground that systematic education of a high type and suited to the wants of the present age can be given by the higher schools and the universities alone, not by the professional boards, and that the interference of the latter, except under very strict limitations, is as bad in principle as it would be to hand over the general elementary education of the country to the trades' unions representing the several departments of industry. Any country taking such a course cannot keep pace with the progress of the age. In the peculiar position of the Protestant minority in this Province, there are, of course, special reasons why such deviations from sound educational principles become unjust as well as inexpedient.

I may add that this is not a matter of pecuniary interest to the university, which derives no revenue from the faculty of law. The faculty has had but one endowment, "The Gale Chair," founded by the liberality of the daughter of a late eminent judge. The university contributes only a small sum towards its annual expenses, and even this with some difficulty. Still the work is so important that we are willing to continue it, in hope that like other departments it may grow in its resources, unless driven from the field by hostile legislation. We feel also that if we submit tamely to such legislation, the time may soon come when our young men will be unable to enter into the practice of the higher professions without conforming to the educational methods of the majority, in which case they would fail to obtain that kind of training which we belive to be essential to their highest usefulness and success, and which has enabled Great Britain and the United States to take the high positions which they hold among the nations of the world. Nor need we limit this statement to ourselves. If our friends, who are so zealous to reform the Protestant schools and universities, would turn their attention to the educational system of France, and especially to the improvements which have been introduced within the last fifteen years, they might learn much to their advantage.

Since writing the above, I have seen the letter of Mr. Pagnuelo in your issue of Monday. I do not propose to reply to this communication, which relates principally to the preliminary examinations, and to points sufficiently discussed by Mr. Rexford and Dr. Heneker. It may be useful, however, to point out some errors connected with the subjects referred to above. (1) The degree of B. A. is not given to pupils of high schools and academies by "affiliation." They may matriculate, but they must study for three or four years before graduating in arts. This is the reason why we wish to recognize the degree of B. A. and to encourage young men to proceed to it; but in doing so we have no wish to act on the majority except by our own better example. (2) Mr. Rexford's position as to philosophy is entirely mistaken. He referred to the academies and high schools and not to the universities, We attach little importance to the philosophy which can be taught to schoolboys, but we value greatly that which can be studied by men of more mature minds. Hence again we wish to have the degree of B. A. recognized, but without prejudice to those who, without such a degree, can pass a proper entrance examination. (3) Our objection does not lie against an equal standard of examination

for all, but against the testing of our men by a standard different from and, as we hold, inferior to our own in the more essential subjects, while attaching a high value to others which we do not think necessary. (4) It is further to be observed that the English minority in the Province of Quebec has not insisted on separation, but has desired as far as possible a system of common schools. The existing separation, now fully recognized by our educational law, has been produced by the action of the majority, and as a consequence of the strictly denominational character of its system; and this renders it peculiarly unjust to deprive us of separate examinations, which are the necessary complement of a separate and distinct system of instruction.

Those interested in the educational welfare of the English-speaking minority in this Province should carefully read and ponder Mr. Pagnuelo's letter. The tone of that letter, the inability of the writer to comprehend the statements of the universities and of the Protestant committee, the dense and multiform ignorance of the nature and tendency of our Protestant educational system apparent throughout, constitute the strongest possible arguments in favor of the entire separation of the two systems, and should convince the English people of the danger of handing over our educational rights to the "generosity" of those whom Mr. Pagnuelo represents. I trust, however, that the moderate and reasonable claims of the Protestant minority, relating entirely to their own rights and not interfering with those of others, will meet with due consideration on the part of the professional councils and the Legislature, and that the dangers which at present appear to threaten educational privileges which we highly value, not in our own interest merely but in that of the Province as a whole and of the Dominion at large, may happily the averted.

I beg to remain,

Yours truly,

J. WM. DAWSON.

MONTREAL, April 19, 1887.

To the Honorable the Legislative Assembly of the Province of Quebec, in Parliament assembled:

The petition of the undersigned representing the McGill University, humbly showeth:

That for many years this University has maintained in this Province courses of study, based on the methods of the Universities of Great Britain, not only in the Faculty of Arts, but in the Faculties of Law, Medicine and Applied Science, and that these courses of study are equal in value to those in other countries, and that their practical benefits are evidenced by the high positions taken by the graduates of the University in public and professional life.

That at the time of Confederation this University, in common with other Chartered Universities, possessed certain rights and privileges, the continuance of which was guaranteed to it by the Union Act, in its capacity of a Protestant University, constituted by Royal Charter, for the purpose of providing the higher education for Her Majesty's subjects, more especially of the Protestant minority in this Province.

That by several Acts of the Provincial Legislature these rights and privileges have been from time to time diminished or curtailed, and that it is believed that in the present Session other measures are to be introduced having this tendency.

Your petitioners would refer more especially to the following:

Under the Bar Act of last Session of the Legislature, the powers of the Universities, relating to matriculation or admission of students, relating to the course of study in Law, and relating to the privileges possessed by graduates with reference to the term of apprenticeship, have been transferred to the Council of the Bar, a body of which a majority of the members are of the Roman Catholic faith, and which has already instituted regulations not consistent with educational methods of the Pro-

testant minority, which have been approved by long and beneficial experience in the mother country, and have been carefully adapted to the wants and circumstances of this Province.

Under the Medical Act several restrictions have been placed on the examinations of the University, and it is publicly stated that a Bill is now being prepared by the College of Physicians, the effect of which will be to impose an examination for entrance on the study of the profession not suited to our system of instruction, and to subject our graduates to an examination before examiners appointed by the College of Physicians, in a manner not in force before Confederation.

That your petitioners, believing that such enactments are and will be hurtful to the professional and educational interests of the Protestant minority of this Province, and are also in violation of the guarantees given at Confederation, humbly pray that they may be repealed, and that similar legislation be not entertained in future.

Yours petitioners would farther represent that, since in the Province of Quebec the system of Protestant education, administered by the Protestant Committee of the Council of Public Instruction, is essentially distinct in its methods and aims from that of the majority, since farther the Primary Education of the Universities and Normal School, and the Secondary Education of the Academies and High Schools, are entirely separate and distinct, and were so before Confederation, these facts should be acknowledged as guaranteed to the Protestant minority, and that their rights in such respects should not be diminished or alterations permitted, without the consent of the Protestant Committee of the Council of Public Instruction.

Your petitioners would therefore claim,

That it is just and expedient, and necessary to the due maintenance of Protestant education as guaranteed by the Union Act, that in the case of Protestant candidates for examination for entrance into professional studies, the courses of study prescribed by the Protestant Committee of the Council of Public Instruction, for the highest grade of the Academies, and those of the Protestant Universities for matriculation, should be fully recognized as valid and sufficient.

That in the case of those who have taken the Degree in Arts of the Universities, this degree should be recognized as qualifying to enter on professional study without further examination. In all other countries possessing Universities, this privilege is given, and it is obviously expedient, as inducing candidates to pursue a thorough and liberal education. It is also submitted in this connection that the course of study in Arts in the Protestant Universities is in every respect adequate, and is equal to that given in other countries, and to which such privileges are there granted.

That with reference to the entrance on professional practice, the Protestant Universities have a right to claim: (1), That their Royal Charters shall be respected, as giving them the right to determine the courses of study adequate for professional as well as other degrees. (2), That under the Confederation Act they can claim the continuance of all educational "rights and privileges" possessed by them before Confederation. (3), That it is especially unjust that powers bearing on the educational rights of Protestants should be handed over to professional councils, of which a majority must be Roman Catholics, and the whole may be so.

Your Petitioners would therefore humbly pray for such relief in the premises as to your Honorable House may seem just and reasonable, and your petitioners, as in duty bound, will ever pray, &c.

Deputy Minister of Justice to Under Secretary of State.

DEPARTMENT OF JUSTICE, OTTAWA, 2nd July, 1887.

SIR,—I am directed to request you to send a telegraphic message to the Lieutenant Governor of Quebec stating that the time for disallowance of the Acts of the Legislature of that Province passed in the Session of 1886 expires on the 21st instant, and requesting an immediate reply to your despatch of the 19th April last

respecting Chapters 34 and 98, and also to your despatch of the 18th April respecting Chapter 39, of the Acts of the Legislature of Quebec, 1886.

I am, &c.,

(Signed) GEO. W. BURBIDGE,
Deputy Minister of Justice.

G. POWELL Esq.,
Under Secretary of State.

Telegram from Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 2nd July, 1887.

As time for disallowance of Acts of Quebec Legislature, passed in Session of 1886, expires on twenty-first instant, I have to request immediate reply to my letter of nineteenth April last, respecting Chapters thirty-four and ninety-eight, and to my letter of eighteenth April, respecting Chapter thirty-nine.

(Signed) J. A. CHAPLEAU,
Secretary of State.

His Honor the Lieutenant Governor, Quebec.

Telegram from Lieutenant Governor to Secretary of State.

POINTE À PIC, QUEBEC, 2nd July, 1887.

Message relating to certain Act of 1886, of Legislature of Quebec, received; matter will receive immediate attention.

(Signed) L. R. MASSON.

The Hon. Secretary of State, Ottawa.

Telegram from Secretary of State to Lieutenant Governor

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 4th July, 1887.

As requested in your message to-day I now repeat message of second instant as follows:—As time for disallowance of Acts of Quebec Legislature, passed in Session of eighty-six, expires on twenty-first instant, I have to request immediate reply to my letter of nineteenth April last, respecting Chapters thirty-four and ninety-eight, and to my letter of eighteenth April, respecting Chapter thirty-nine.

(Signed) J. A. CHAPLEAU,
Secretary of State.

His Honor
The Lieutenant Governor of Quebec, Pointe à Pic.

Telegram from Lieutenant Governor to Secretary of State.

POINTE À PIC, QUEBEC, 8th July, 1887.

Have mailed two letters, one relating to Chapters thirty-four and ninety-eight, the other to Chapter thirty-nine, Statutes, Quebec, 1886, giving reasons why they should not be interfered with.

(Signed) L. R. MASSON,
Lieutenant Governor.

To Hon. Secretary of State.

Lieutenant Governor to Secretary of State.

(*Translation.*)

POINTE À PIC, 6th July, 1887.

SIR,—In answer to your despatch of the 19th April, 1887, on the subject of the Acts passed by the Legislature of the Province of Quebec at its session of 1886, and of the Report of the Honorable the Minister of Justice, recommending that the attention of the Lieutenant Governor of Quebec be called to section 16 of Chapter 34, intituled: "An Act respecting the Bar of the Province of Quebec; in which precedence over the other members of the Bar in the Province is given to the Batonnier, and to section 1 of Chap. 93 of the same Statutes, which constitutes the Lieutenant Governor a corporation sole, I have the honor to inform you that my Government insist upon the power which the Legislature of Quebec had to have passed the said Acts.

Previous to Confederation the Queen's Counsel were appointed from time to time in each of the Provinces by the Governor General or the Lieutenant Governor, on the advice of the Executive Council, and I am informed that since the time Responsible Government was given us, no appointments of Queen's Counsel were made in any other manner. As late back as 1872, the Legislature of the Province of Quebec passed an Act respecting the Queen's Counsel and that Act was never disallowed.

The only point decided by the Supreme Court, in the case of Lenoir *vs.* Ritchie (to which the Minister of Justice refers) is that the Provincial Acts do not affect the Queen's Counsel appointed by the Governor General; this cause does, therefore, decide the point at issue.

My Government share the view of the Ontario Government, which, in its despatch of the 22nd January, 1886, claim vigorously the right of appointing Queen's Counsel; I take the liberty of referring you to that despatch.

In a report to His Excellency the Governor General, dated the 3rd January, 1872, the now First Minister, Sir John A. Macdonald, who was then Minister of Justice, expressed himself as follows:—

"I am of opinion that in virtue of Section 92 of the British North America Act, 1867, the Provincial Legislatures, having the control of the administration of Justice and the organization of Courts, could, by Statute, provide for the general conduct of affairs before the said Courts, and pass such enactments with respect to the Bar, to the management by solicitors of criminal cases, to the selection of such solicitors and to the right of precedence as the Legislature may see fit to do."

It is in consequence of this opinion that the Acts respecting the nomination of Queen's Counsel were passed both by the Provinces of Ontario and Quebec.

My Government is of opinion that if the Provincial Legislatures can authorize the Lieutenant Governors to give precedence before the Courts, as admitted by the Minister of Justice in 1872, they can *a fortiori* give precedence themselves, and this is all the Legislature of Quebec did when it passed the Act respecting the Batonnier General.

With reference to the objection made to the Act which constitutes the Lieutenant Governor of the Province a corporation sole, my Government is of opinion that it is based upon an erroneous appreciation of the object of this Act which cannot in any way affect the office of Lieutenant Governor in the sense meant by Section 92 of British North America Act.

The Act to which objection is taken has solely for its object to create a civil *personne* in the Province; and no one doubts that the Local Legislatures can legally constitute into civil persons, such bodies, individuals or functionaries as they see fit. It is in that way, for example, that the Legislature of Quebec constituted, on different occasions, and very recently, Catholic Bishops into corporations. They did not consider this legislation as an encroachment on their office. I am informed that, on the contrary, they solicited it, perfectly understanding that the question was not to regulate their office, but to give civil rights to the bishops.

For these reasons my Government believes that the Acts in question should not be disallowed.

I have, &c.,

(Signed) L. R. MASSON,

Lieutenant Governor.

Hon. Secretary of State, Ottawa.

Lieutenant Governor to Secretary of State.

(*Translation.*)

POINTE À PIC, 7th July, 1887.

SIR,—In answer to your despatch of the 18th April, 1887, on the subject of the Act of the Legislature of this Province, 49-50 Vic., Chap. 39, intituled: "An Act to authorize certain Corporations and Institutions to lend and invest moneys in this Province," I have the honor to inform you that my Law Officers are of opinion that the Minister of Justice misapprehends the object of this Act, which he recommends should be disallowed, if it is not amended in the sense he indicates.

It cannot have entered into the mind of the Legislature, I am told by the Law Officers, to actually reduce to nothing the power of the Federal Government to create certain corporations in compelling them to the necessity of taking out a license from the Government of Quebec.

If this law had such an effect, its disallowance would be perfectly useless, and any amendment could not render it effective, for, naturally, a company legally incorporated by the Federal Parliament could, by the law in question, be stopped in the exercise of the rights conferred on it constitutionally, and any attempt made with that view would be defeated in the courts.

Far from wishing to diminish the powers of corporations constituted by the Federal Parliament, the Legislature of the Province of Quebec, on the contrary, wish to facilitate their operations.

It is now established that the Federal Parliament cannot give to the corporations which it is authorized to create, any right affecting property and civil rights. This power can only be given them by the Local Legislatures and such is, I am informed the opinion expressed by the Privy Council in England in the following cases:—Gold Mine Company of the Chaudière *vs.* Desbarats, 5 L. R. C. 277; Citizens' Insurance Co. *vs.* Parsons, 7 L. R, Appeal Cases 96; Colonial Building and Investment Association and Attorney General of Quebec, 9 L. R., Appeal Cases 166.

Here are the words themselves in which the Privy Council expressed its opinion *re* Citizens' Insurance Company *vs.* Parsons: "But it by no means follows because the Dominion Parliament has alone the right to create a corporation to carry on business through the Dominion, that it alone has a right to regulate its contracts in each of the Provinces."

It is, moreover, I am informed, the decision rendered *re* Colonial Building and Investment Association and Attorney General of Quebec, which led to the passage of the Act of 1886, which Act has for its object to facilitate the operations of the corporations in question. So much so, that, according to those decisions, these corporations could not without this law possess immovables in the Province of Quebec, except by virtue of authority expressly given by an Act of the Legislature, while with this same law they only have to apply to the Lieutenant Governor to obtain a license, which holds the place of a special Act. Armed with this license, the corporation can possess immovables and carry on all the operations mentioned in the Act in question, even those which the Federal Parliament could not authorize.

The Honorable Minister of Justice finds objection to this law only inasmuch as it affects the corporations created by the Federal Parliament. He does not mention any with regard to those constituted by the Imperial Parliament and my Law Officers find it strange that what is not considered an usurpation of power with respect

to the Imperial Parliament, is so considered with regard to the Federal Parliament, the powers of the latter certainly not being equal, even in the eyes of the most determined partisans of the federal jurisdiction, to the powers of the Imperial Government towards the Legislatures and the incorporation of companies.

In closing I take the liberty of calling your attention to an observation made to me by my Law Officers, and which, although not bearing on the merit of the question, has for them a certain importance under the circumstances. The Minister of Justice admits that similar laws were passed, one in Ontario in 1876, and another in Manitoba in 1877, and were not nevertheless disallowed. Why, do they say, should the Legislature of Quebec be to-day denied a right which was not denied the Legislatures of Ontario and Manitoba?

For all these reasons, my Government regrets not to be able to comply to the wish of the Hon. the Minister of Justice in amending this law in the sense indicated, and hopes that it will be sustained.

I have, &c.,

(Signed) L. R. MASSON,

Lieutenant Governor.

The Honorable
The Secretary of State, Ottawa.

Report of the Honorable the Minister of Justice upon Chapter 34.

DEPARTMENT OF JUSTICE, CANADA, OTTAWA, 16th July, 1887.

To His Excellency the Governor General in Council:

Adverting to his report of March last and the Order in Council of 2nd April passed thereon, respecting an Act passed by the Legislature of the Province of Quebec in the Session held in the year 1886, Chaptered 34, and intituled: "An Act respecting the Bar of the Province of Quebec," the undersigned has the honor to report that the views of Your Excellency's Government in respect thereof were communicated to the Lieutenant Governor of Quebec by a despatch bearing date the 19th April last, and that his attention being called thereto, on the 4th instant, he has, by despatch dated the 6th instant, communicated the reply of his Government to the objections taken to the Act, from which it appears that they insist upon the right of the Legislature of that Province to give the Batonnier of the Province precedence over the other members of the Bar.

In support of this view the opinion of Sir John A. Macdonald, expressed in his report of 3rd January, 1872 (Provincial Legislation, p. 26,) is cited, but His Honor's advisers omit to notice an important limitation contained therein, although the undersigned had called attention thereto in his report, a copy of which appears to have been transmitted to the Lieutenant Governor, with the despatch of 19th April, before referred to,

The limitation referred to was that the authority of a Legislature, in legislating respecting the administration of justice, to give the right of precedence to counsel, is subject to the exercise of the Royal prerogative which is paramount and in no way diminished by the terms of the Act of Confederation.

His Honor's advisers also assert that the only point decided on by the Supreme Court, in Lenoir *vs.* Ritchie (to which the undersigned had referred) was that Provincial Acts do not affect the Queen's Counsel appointed by Your Excellency, and that, therefore, that case does not decide the questions in issue.

In his report the undersigned referred to that case as deciding that a Provincial Legislature has no power to authorize the Lieutenant Governor of a Province to appoint Queen's Counsel or to grant to any member of the Bar a patent of precedence in the Courts of the Province, as the prerogative of raising practitioners in the Courts

of Justice to a superior eminence by constituting them Sergeants, &c., or by granting letters of precedence to such Barristers as Her Majesty thinks proper to honor with that mark of distinction, whereby they are entitled to such rank and pre-audience as are assigned in their respective patents, belonged in Canada to Your Excellency as the representative of the Crown and not to the Lieutenant Governors. The undersigned has again referred to the case and sees no reason in any way to modify his statement of what was thereby decided.

The undersigned while adhering to the views which he has expressed in this matter, is of opininion, however, that no serious inconvenience can arise from leaving this Act to its operation, and the members of the Bar affected thereby to the assertion of their rights in the usual way before the Courts, while some considerable inconvenience might result from a disallowance of the Act, in view of many of its other provisions.

Since his previous report on the subject of this Act a communication has been received from the Chancellor of McGill University and others, asking, among other things, that the Act be disallowed on the ground that it discriminates against the Protestant Universities and Schools of Quebec in respect to the admission of students to the study of law. The papers, however, show that the present General Council of the Bar consists of seven Roman Catholics and four Protestants, while the proportion according to population would be six to one.

There can the undersigned thinks be no doubt that the Act in respect of the provisions thereof to which this objection is directed is within the legislative authority of the Legislature of the Province of Quebec, and there is no good reason, the undersigned thinks, to apprehend that the Legislature of Quebec will deal illiberally by the Protestant minority of that Province.

The Chancellor of McGill University, in the communication referred to, states that in case the Act cannot be disallowed, they beg leave to enter an appeal to Your Excellency in Council under (the undersigned assumes the 3rd paragraph of the 93rd section) of the Union Act.

The undersigned, therefore, respectfully recommends:—

1. That the Act be left to its operation, and that the substance of this report be communicated to the Lieutenant Governor of Quebec.

2. That the Chancellor of McGill University be informed that it has not been deemed expedient to disallow the Act, but that if the application which the University proposes to make to the Legislature of Quebec at its next Session for relief is not entertained, and a petition by way of appeal is made to Your Excellency in Council under the 3rd Clause of the 93rd Section of the British North America Act, Your Excellency in Council will carefully consider the question of your jurisdiction and that of Parliament in the premises, and the merits of the case as presented by such petition.

All which is respectfully submitted.

(Signed) JOHN S. D. THOMPSON,

Minister of Justice.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 23rd August*, 1887.

The Committee of the Privy Council have had under consideration a Report dated 16th July, 1887, from the Minister of Justice with reference to his Report of 22nd March, 1887, and the Order in Council of 2nd April last, passed thereon, respecting an Act passed by the Legislature of the Province of Quebec in the Session of 1886, chaptered 34, and intituled: "An Act respecting the Bar of the Province of Quebec."

The Committee concur in the said Report and the recommendations therein contained, and they advise, 1st. That the "Act respecting the Bar of the Province of

Quebec" be left to its operation, and that the substance of this Report be communicated to the Lieutenant Governor of Quebec; and, 2nd. That the Chancellor of McGill University be informed that it has not been deemed expedient to disallow the Act, but that if the application which the University proposes to make to the Legislature of Quebec at its next Session for relief is not entertained, and a petition by way of appeal is made to Your Excellency in Council under the 3rd Clause of the 93rd section of the British North America Act, Your Excellency in Council will carefully consider the question of Your Excellency's jurisdiction and that of Parliament in the premises, and the merits of the case as presented by such petition.

All of which is respectfully submitted for Your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk Privy Council.

Report of the Honorable the Minister of Justice upon Chapter 98.

DEPARTMENT OF JUSTICE, OTTAWA, 16th July, 1887.

To His Excellency the Governor General in Council:

With further reference to the subject of the Act passed by the Legislature of the Province of Quebec, in the session held in the year 1886, chaptered 98, and intituled: "An Act respecting the Executive Power," mentioned in a Report from the undersigned, of March last, and in the Order in Council of the 2nd April last, the undersigned has the honor to report,—

1. That no reply having been received from the Lieutenant Governor of Quebec to the despatch of the 19th April last, based upon the Order in Council referred to, the undersigned, on the 4th instant, moved the Secretary of State to ask by telegraph for a reply.

From the despatch of the Lieutenant Governor of the 6th instant, received on the 9th, in which is contained the reply of His Honor's Government to the objection taken to the Act under consideration, it appears that the latter are of opinion that the views of Your Excellency's Government are based upon an erroneous appreciation of the object of the Act, which it is alleged does not affect the office of Lieutenant Governor in the sense of the 92nd section of the British North America Act.

The office of Lieutenant Governor is one of the incidents of the constitution, and the authority to legislate in respect thereof, is excepted from the powers conferred upon the Legislatures of the Provinces, and is exclusively vested in the Parliament of Canada.

In the opinion of the undersigned it is immaterial whether a Legislature by an Act seeks to add to or take from the rights, powers or authorities which by virtue of his office a Lieutenant Governor exercises, in either case it is legislation respecting his office.

Therefore, the undersigned referring to his previous report and the order in Council and despatches herein mentioned, respectfully recommends that the Act referred to, which was received by the Secretary of State on the 20th day of July, 1886, be dissallowed.

All of which is respectfully submitted.

(Signed) JNO. S. D. THOMPSON,
Minister of Justice.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 19th July*, 1887.

The Committee of the Privy Council have had under consideration the Report dated 16th July, 1887, from the Minister of Justice with further reference to the subject of Act passed by the Legislature of the Province of Quebec in the Session held in the year 1886, chaptered 98, and intituled : "An Act respecting the Executive Power."

The Committee concur in the said Report and the recommendation therein contained, and advise that the said Act be disallowed accordingly, and that the Secretary of State be authorized to forward a copy of this Minute and of the Report of the Minister of Justice to the Lieutenant Governor of the Province of Quebec for the information of his Government.

(Signed) JOHN J. McGEE,
Clerk Privy Council.

Proclamation disallowing Chapter 98.

GOVERNMENT HOUSE, OTTAWA, Tuesday, 19th July, 1887.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

WHEREAS the Lieutenant Governor of the Province of Quebec, with the Legislative Council and Assembly of that Province, did, on the 21st day of June, A.D. 1886, pass an Act which has been transmitted, chaptered 98, and intituled : "An Act respecting the Executive Power ;"

And whereas the said Act has been laid before the Governor General in Council, together with a Report from the Minister of Justice, setting forth that he is of opinion that it was not competent for the Legislature to pass such Act, and therefore recommending that the said Act be disallowed ;

His Excellency the Governor General has therefore this day been pleased, by and with the advice of His Privy Council, to declare His disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Quebec, and all other persons whom it may concern, are to take notice and to govern themselves accordingly.

(Signed) JOHN J. McGEE,
Clerk Privy Council.

I, Sir Henry Charles Keith Petty Fitzmaurice, Marquis of Lansdowne, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of Quebec, on the 21st day of June, 1886, and intituled : "An Act respecting the Executive Power," was received by me on the 20th day of July, 1886.

Given under my hand and seal this 19th day of July, 1887.

(Signed) LANSDOWNE.

Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 26th July, 1887.

SIR,—I have the honor to acquaint you for the information of your Government that His Excellency the Governor General has had under his consideration in

Council an Act passed by the Legislature of the Province of Quebec in the year 1886, chaptered 98, and intituled: "An Act respecting the Executive power," and that His Excellency is advised that the power of disallowance be exercised with regard thereto.

I enclose an Order of the Governor General in Council declaring His disallowance of the said Act together with the certificate of His Excellency as to the date of the receipt thereof.

I also transmit herewith copies of an Order in Council upon the subject and of the Report of the Minister of Justice therein referred to.

I have, &c.,

(Signed) G. POWELL,

Under Secretary of State.

His Honor
The Lieutenant Governor of Quebec, Quebec.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, OTTAWA, 5th August, 1887.

SIR,—I have the honor to acknowledge the receipt of your despatch, dated the 26th July last, by which you inform my Government that His Excellency the Governor General has been advised to disallow the Act of the Legislature of Quebec passed in 1886, and intituled: "An Act respecting the Executive Power."

I beg also to acknowledge receipt of the papers which accompanied it, as well as copy of the Order in Council, and also the certificate of His Excellency on the subject of the disallowance.

I have, &c.,

(Signed) L. R. MASSON,

Lieutenant Governor.

The Honorable
The Secretary of State, Ottawa.

Report of the Honorable the Minister of Justice upon Chapter 39.

DEPARTMENT OF JUSTICE, CANADA, OTTAWA, 16th July, 1887.

To His Excellency the Governor General in Council:

Adverting to his former Report dated in March, 1887, on the Legislation of the Province of Quebec for the Session of 1886, and more particularly to the observations therein on the Act of that Legislature, 49-50 Vic., chap. 39, intituled: "An Act to authorize certain corporations and individuals to loan and invest moneys in this Province," the undersigned has now to call the attention of Your Excellency to the despatch of His Honor the Lieutenant Governor of Quebec dated the 7th of July inst., in which His Honor states the views of his law advisers on that Act.

The undersigned is unable to acquiesce in the reasons by which, in His Honor's despatch, it is sought to sustain the validity of the Act in question.

His Honor states: "It is now established that the Federal Parliament cannot "give the corporations which it is authorized to create, any right affecting property "and civil rights. This power can only be given them by the Local Legislatures, and "such is, I am informed, the opinion expressed by the Privy Council in England in "the following cases: Gold Mine Company of the Chaudière *vs.* Desbarats, 5 L.R. "P.C. 277; Citizens' Insurance Co. *vs.* Parsons, 7 L.R. Appeal Cases 96; Colonial

" Building and Investment Association and Attorney General of Quebec, 9 L.R. " Appeal Cases 166."

The undersigned has to say with regard to this proposition, that the right of the Dominion Parliament to establish a corporation, having powers and civil rights in more than one Province, has been most conclusively established.

The power of the Provincial Legislatures, in regard to the establishment of corporations, is limited by Section 92 of the British North America Act, to " the incorporation of Companies with Provincial objects" (sub-section 11) and matters of a merely local and private nature in the province," (sub-section 16) while the powers of the Dominion Parliament extend (by sec. 91) to all matters not coming within the classes of subjects assigned exclusively to the Legislatures."

It follows, therefore, that a Statute relating to the incorporation of a Company, which would be beyond the competency of the Provincial Legislature, is within the competency of Parliament.

Among the numerous decisions of the Judicial Committee of the Privy Council, and of other tribunals sustaining this position, some of the judgments cited in His Honor's despatch put the point beyond a doubt.

The right of a corporation, so created by the Federal authority, to hold lands, or to make contracts in the several Provinces for which it has been established as a civil person, may be dependent on the general law of each Province as to corporations, but cannot, in the opinion of the undersigned, be restricted by any Provincial legislation aimed at corporations established by the Federal Parliament.

In the cases of the Citizens' Insurance Company of Canada *vs.* Parsons (L R 7 Appeal Cases 96) Sir Montague Smith, in giving the decision of the Judicial Committee of the Privy Council, refers, at page 116, to a passage in the judgment (not approved) of one of the learned Judges of the Supreme Court of Canada, thus :— " The learned Judge assumes that the power of the Dominion Parliament to incorporate companies to carry on business in the Dominion, is derived from one of the enumerated classes of subjects, viz., 'the regulation of trade and commerce,' and then argues that if the authority to incorporate companies is given by this clause, the exclusive power of regulating them must be given by it, so that the denial of the one power involves the denial of the other. But, in the first place, it is not necessary to rest the authority of the Dominion Parliament to incorporate companies on this specific and enumerated power. The authority would belong to it by its general power over all matters and coming within the classes of subjects assigned exclusively to the Legislatures of the Provinces, and the only subject on this head assigned to the Provincial Legislature being 'the incorporation of Companies with Provincial objects,' it follows that the incorporation of companies for objects other than provincial falls within the general powers of the Parliament of Canada. But it by no means follows because the Dominion Parliament has alone the right to create a corporation to carry on business throughout the Dominion, that it alone has the right to regulate its contracts in each of the Provinces.

" Suppose the Dominion Parliament were to incorporate a company, with power, among other things, to purchase and hold lands throughout Canada in mortmain, it could scarcely be contended, if such a company were to carry on business in a Province where a law against mortmain prevailed (each Province having exclusive legislative power over 'property and civil rights in the Province') that it could hold land in that Province in contravention of the Provincial Legislature; and, if a company were incorporated for the sole purpose of purchasing and holding land in the Dominion, it might happen that it could do no business in any part of it, by reason of all the Provinces having passed Mortmain Acts, though the corporation would still exist and preserve its status as a corporate body."

In the case of the Colonial Building and Investment Association *vs.* the Attorney General of Quebec (9 L. R. Appeal Cases 157) Sir Montague Smith, again giving the judgment of the Judicial Committee of the Privy Council, states (page 164) : " Their Lordships cannot doubt that the majority of the Court was right in refusing to hold

that the Association was not lawfully incorporated. Although the observations of this Board in the Citizens' Insurance Company of Canada *vs.* Parsons, referred to by the Chief Justice, put a hypothetical case by way of illustration only, and cannot be regarded as a decision on the case then supposed, their Lordships adhere to the view then entertained by them as to the respective powers of the Dominion and Provincial Legislatures in regard to the incorporation of companies.

"It is asserted in the petition, and argued in the Courts below, and at this Bar, that inasmuch as the Association had confined its operations to the Province of Quebec, and its business had been of a local and private nature, it followed that its objects were local and Provincial, and, consequently, that its incorporation belonged exclusively to the Provincial Legislature. But surely the fact that the Association has hitherto thought fit to confine the exercise of its powers to one Province cannot affect its status or capacity as a corporation if the Act incorporating the Association was originally within the Legislative power of the Dominion Parliament.

"The company was incorporated with powers to carry on its business consisting of various kinds, throughout the Dominion.

"The Parliament of Canada could alone constitute a corporation with these powers, and the fact that the exercise of them had not been co-extensive with the grant cannot operate to repeal the Act of incorporation, nor warrant the judgment prayed for, viz, that the Company be declared to be illegally constituted. * * There remains the question, which was mainly argued at the Bar, whether the judgment of the Court of Queen's Bench, which, shortly stated, declares that the Association has no right to act as a corporation, in respect of its most important operations within the Province of Quebec, and prohibiting it from so acting within the Province, can be sustained.

"It was not disputed by the Counsel for the Attorney General, that, on the assumption that the corporation was duly constituted, the prohibition was too wide, and embraced some matters which might be lawfully done in the Province, but it was urged that the operations of the Company contravened the Provincial law, at the least, in two respects, viz, in dealing in land and in acting in contravention of the Building Acts of the Province.

"It may be granted that, by the law of Quebec, corporations cannot acquire or hold lands without the assent of the Crown.

"This law was recognized by this Board, and held to apply to foreign corporations in the case of the Chaudière Gold Mining Company *vs.* Desbarats. It may also be assumed, for the purpose of this appeal, that the power to repeal or modify this law falls within No. 13 of Section 92 of the British North America Act, viz, 'property and civil rights within the Province,' and belongs exclusively to the Provincial Legislature; so that the Dominion Government could not confer powers on the company to over-ride it. But the powers found in the Act of incorporation are not necessarily inconsistent with the Provincial law of mortmain, which does not absolutely prohibit corporations from acquiring or holding lands, and only requires, as a condition of their doing so, that they should have the consent of the Crown.

"If that consent be obtained, a corporation does not infringe the provincial law of mortmain by acquiring and holding lands.

"What the Act of incorporation has done is to create a legal and artificial person, with capacity to carry on certain kinds of business which are confined within a defined area, viz, throughout the Dominion; among other things, it has given to the Association power to deal in land and buildings, but the capacity so given only enables it to acquire and own land in any province consistently with the laws of that Province relating to the acquisition and tenure of land. If the Company can so acquire and hold it, the Act of incorporation gives it capacity to do so."

In the case of Dobie *vs.* Temporalities Board (L. R. 7 Appeal Cases 136) it was held *inter alia* that a Statute of the Province of Canada, which had created a corporation for the two Provinces (afterwards united), Ontario and Quebec, could not, after Confederation, be repealed or amended by the two Provincial Legislatures, or either

of them, but only by the Parliament of Canada. Lord Watson in giving the judgment of the Judicial Committee based it on the ground that neither of the Provincial Legislatures could have passed an Act granting the corporation power to hold lands in more than one Province.

The Act of the Province of Quebec now under consideration assumes the contrary of the proposition which has been fully established.

It is based on the erroneous contention that a corporation established by the Parliament of Canada or under the laws of Great Britain and Ireland, for the purpose of lending and investing moneys in Quebec and other Provinces, cannot enter upon any of the business which it has thus been empowered to transact without the assent of the Provincial Authority, and it establishes the Provincial Secretary as the competent authority to license such a corporation to carry on business within the Province of Quebec.

Even assuming that such a corporation cannot be empowered to hold lands in the Province of Quebec in contravention of the Provincial legislation which prevents any and all corporations from holding lands without the license of the Crown (as has been hinted by one of the passages above quoted, although not yet judicially decided), it is to be observed that the Companies affected by the Quebec Statute in question, are not alone those which may be incorporated for the sole purpose of holding lands, but are all corporations established for the purpose of lending and investing moneys, on movable or on immovable property, or on personal security only.

The undersigned would recommend the disallowance of the Statute; were it not for one view which has not been presented in the despatch of His Honor the Lieutenant Governor. While it gives authority to the Provincial Secretary to issue the license to the companies referred to, and professes to convey authority to any such company to do business after obtaining such a license, it does not contain any negative provision forbidding any such company to do business without obtaining such license, nor does it establish any penalties to be enforced against the companies so incorporated and engaging in business without obtaining the license.

The Act therefore seems incapable of doing harm, or of obstructing the operations of companies duly authorized, and doing business within the scope of their lawful authority excepting in so far as it may raise doubts as to the necessity for such a license.

The companies affected may therefore be left to test, as they may think proper, the validity of the Act, before the Courts, and no such inconvenience is likely to arise as would call for the exercise of the power of disallowance.

On the 15th of January, 1878, the then Minister of Justice concurred in a report of his Deputy on a similar Statute passed by the Legislature of Manitoba, and the report was adopted by a Committee of the Privy Council, by Order dated the 19th of February, 1878. That report contains the following observation: "The right of a "Provincial Legislature to provide for the granting of a license by the Province to a "company incorporated by the Parliament of Canada, and which by its Act of incor-"poration could be given the right to do business in the various Provinces, is at least "doubtful, but inasmuch as similar legislation has been allowed to go into operation "in the Province of Ontario (See Chap. 27 of 39 Vic., 1875-76, Ontario) I do not "recommend any interference with this Act; I recommend, however, that the atten-"tion of the Lieutenant Governor be called to these remarks."

His Honor's despatch intimates that His Honor's Law Officers find it strange that what was not considered a usurpation of power with regard to the Imperial Parliament, was so considered with regard to the Federal Parliament. The undersigned is unable to discover anything in his former report or in the despatch based thereon which led His Honor's Law Officers to suppose that the Statute in question was deemed to be within the power of the Provincial Legislature, as regards companies incorporated in the United Kingdom, more than within its power as regards companies incorporated by the Canadian Parliament.

It was deemed sufficient by the undersigned in making his report in March last to state what appeared to be the plainest objection to the Act, and the one which it

seemed most obviously the duty of Your Excellency to notice, as the guardian of the Federal authority in Canada, but as the position of companies incorporated under the laws of Great Britain and Ireland is thus adverted to, the undersigned may express his opinion as to the validity and effect of the Quebec Statute on the question thus: A company incorporated by a Statute of the United Kingdom and engaged, under and within the powers conferred by such Statute, in business within the Province of Quebec, or elsewhere within the Empire, requires no license from the Provincial authorities or any other, and it is undoubtedly within the powers of the Parliament of the United Kingdom to confer upon a company any power and rights which it may please to convey, whether the power of holding lands and the right of making contracts or otherwise.

His Honor's despatch states that similar Statutes were passed, one in Ontario in 1876, and another in Manitoba in 1877, and were not disallowed, and enquires why the right which was not denied those Provinces should be denied the Legislature of Quebec.

The Statute of Ontario was allowed to go into operation without comment. The Statute of Manitoba was commented on unfavorably, in the passage cited from the report of the then Deputy Minister of Justice, and the Statute of Quebec might fairly have been disallowed, notwithstanding that the power of disallowance had not been exercised with regard to such cases, in view of the fact that before the time of disallowance had expired, the attention of His Honor the Lieutenant Governor of Quebec was called to the objections which existed to such enactments and His Honor's advisers were invited in due time to obtain the repeal of the Statute.

(Signed) JNO. S. D. THOMPSON,
Minister of Justice.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 9th August*, 1887.

The Committee of the Privy Council have had under consideration a Report dated 16th July, 1887, from the Minister of Justice, upon the Act of the Legislature of the Province of Quebec, 49-50 Victoria (1886), Chapter 39, intituled: "An Act to authorize certain corporations and individuals to loan and invest moneys," to which by the Order in Council of the 2nd April, 1887, the attention of the Lieutenant Governor of Quebec, was called with a view to its amendment.

The Minister submits a despatch from the Lieutenant Governor of Quebec, dated 7th July instant, in which His Honor states the view of his law advisers on that Act.

The Committee on the recommendation of the Minister of Justice advise that the said Act be left to its operation, and that the Secretary of State be authorized to transmit a copy of this Minute and the Report of the Minister of Justice to the Lieutenant Governor of Quebec, for the information of his Government.

(Signed) JOHN J. McGEE,
Clerk Privy Council.

Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 23rd August, 1887.

Sir,—I have the honor to transmit to you, herewith, for the information of your Government copy of a Report of a Committee of the Honorable the Privy Coun-

cil approved by His Excellency the Governor General in Council on the 9th August, 1887, leaving to its operation the Act of the Legislature of the Province of Quebec, 49–50 Vic., 1886, Cap. 39, intituled : "An Act to authorize certain corporations and individuals to loan and invest moneys," together with a copy of the report of the Honorable the Minister of Justice therein referred to.

I have, &c.,

(Signed) G. POWELL,

Under Secretary of State.

His Honor
The Lieutenant Governor of the Province of Quebec,
Quebec.

Secretary of State to Chancellor of McGill University.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 2nd September, 1887.

SIR,—I have the honor to inform you that the Governor General has had under his consideration in Council a communication from you, dated the 23rd May, 1887, addressed to the Right Honorable the Prime Minister, asking, among other things, that the Act passed by the Legislature of the Province of Quebec, during the Session of 1886, Chapter 34, and intituled : "An Act respecting the Bar of the Province of Quebec," be disallowed on the ground that it discriminates against the Protestant Universities and schools of Quebec in respect to the admission of students to the study of law and that His Excellency is advised that it has not been deemed expedient to disallow the Act in question.

I am at the same time to inform you that if the application which the University proposes to make to the Legislature of the Province of Quebec at its next Session for relief is not entertained and a petition by way of appeal is made to His Excellency in Council under the 3rd Clause of the 93rd Section of the British North America Act, 1867, His Excellency in Council will carefully consider the question of his jurisdiction and that of Parliament in the premises and the merits of the case as presented by such petition.

I have, &c.,

(Signed) HENRY J. MORGAN,

Acting Under Secretary of State.

To the Honorable JAMES FERRIER,
Chancellor, University of McGill College, Montreal.

Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 2nd September 1887.

SIR,—I have the honor to acquaint you, for the information of your Government, that the Governor General has had under his consideration in Council an Act passed by the Legislature of the Province of Quebec in the Session held in the year 1886, Chapter 34, and intituled : "An Act respecting the Bar of the Province of Quebec."

His Excellency is advised that the views of this Government in respect to this Act were communicated to you in a letter from the Secretary of State bearing date the 19th April last, and that your attention being called thereto, on the 4th July following, you by despatch dated the 6th July, communicated the reply of your Government to the objections taken to the Act, from which it appears that your

Government insist upon the right of the Legislature of Quebec to give the *Bâtonnier* of the Province precedence over the other members of the Bar.

In support of this view the opinion of Sir John A. Macdonald, expressed in his report of 3rd January 1870 (Hodgins' Provincial Legislation, page 26) is cited, but your Advisers have omitted to notice an important limitation contained therein, although the Minister of Justice had called attention thereto in his report of March, 1887, copy of which was transmitted to you with Mr. Chapleau's letter of 19th April, before referred to.

The limitation referred to was that the authority of a Legislature, in legislating respecting the administration of justice, to give the right of precedence to Counsel is subject to the exercise of the Royal Prerogative which is paramount to, and in no way diminished by, the terms of the British North America Act, 1867.

Your advisers also assert that the only point decided on by the Supreme Court of Canada in Lenoir *vs.* Ritchie (to which the Minister of Justice had referred) was that Provincial Acts do not affect the Queen's Counsel appointed by the Governor General and that therefore that case does not decide the questions in issue.

In his report the Minister of Justice referred to that case as deciding that a Provincial Legislature has no power to authorize the Lieutenant Governor of a Province to appoint Queen's Counsel or to grant to any member of the Bar a patent of precedence in the Courts of the Province, as the prerogative of raising practioners in the Courts of Justice to a superior eminence by constituting them Sergeants, &c., or by granting letters of precedence to such Barristers as Her Majesty thinks proper to honor with that mark of distinction whereby they are entitled to such rank and pre-audience as are assigned in their respective patents, belonged in Canada to the Governor General as the representative of the Crown and not to the Lieutenant Governors. The Minister of Justice, His Excellency is advised, having again referred to the case, sees no reason in any way to modify his statement of what was thereby decided. I have now to state that while the Government adhere to the views expressed by the Minister of Justice in this matter, His Excellency is advised that no serious inconvenience can arise from leaving this Act to its operation, and the members of the Bar affected thereby to the assertion of their rights in the usual way before the Courts, while some considerable inconvenience might result from a disallowance of the Act, in view of many of its other provisions.

His Excellency accordingly has been pleased to leave the Act to its operation.

Since the Act was previously under consideration, a communication has been received by the Government from the Chancellor of McGill University and others, asking among other things, that the Act be disallowed on the ground that it discriminates against the Protestant Universities and Schools of Quebec in respect to the admission of studends to the study of law. The papers, however, His Excellency is advised, show that the present General Council of the Bar consists of seven Roman Catholics and four Protestants, while the proportion according to population would be six to one.

There can be no doubt, His Excellency is advised, that the Act in respect of the provisions thereof to which this objection is directed, is within the legislative authority of the Legislature of the Province of Quebec, and there is no good reason, it is thought, to apprehend that the Legislature of Quebec will deal illiberally by the Protestant minority of that Province.

I have at the same time to acquaint you that the Chancellor of McGill University, in the communication referred to, begs leave, in case the Act cannot be disallowed, to enter an appeal to the Governor General in Council under, it is assumed, the 3rd paragraph of the 93rd Section of the British North America Act.

I have, &c.,

(Signed) JOHN COSTIGAN,

For the Secretary of State.

NOVA SCOTIA, 48 VICTORIA, 1885.

3RD SESSION—28TH GENERAL ASSEMBLY.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, HALIFAX, N.S., 21st August, 1885.

SIR,—I have the honor to acquaint you that I have this day forwarded copies of the Statutes of Nova Scotia for the year 1885, of these, two copies certified are for the Minister of Justice. * * * * *

I have, &c.,

(Signed) M. H. RICHEY,

Lieutenant Governor.

The Honorable
The Secretary of State for Canada, Ottawa.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 21st August, 1885.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 21st instant, and of the copies of the Statutes of Nova Scotia for the year 1885, to be distributed in the manner indicated in your said despatch.

I have, &c.,

(Signed) GRANT POWELL,

Under Secretary of State.

His Honor
The Lieut.-Governor of Nova Scotia, Halifax, N.S.

Petition of Mrs. Maria Kearney with respect to Chapter 31.

To His Excellency Sir Henry Charles Keith Fitzmaurice, Marquis of Lansdowne, and Governor General of Canada.

The petition of Maria Kearney, of Dartmouth, in the County of Halifax and Province of Nova Scotia, humbly sheweth:

That her father, Andrew McMinn, died in the year 1838, having first made his last will and testament, a copy of which is hereunto attached, and which will was afterwards duly proved and registered in the Probate Court at Halifax, where it still remains registered. Your petitioner was of the age of about two years at the time of her father's death, but was not born when the said will was made. Administration with the will annexed was obtained by Mary McMinn, your petitioner's mother, of the estate of your petitioner's father. By the said last will and testament a property of 160 acres of land at Dartmouth aforesaid was devised to the said Mary

McMinn during her life, with remainder to any child or children the testator might have by his then marriage. Your petitioner was the only child of that marriage, and became entitled to the said property on the death of her mother, who died in 1881. Shortly after the said Mary McMinn became administratrix, wishing to obtain the absolute control and ownership of said property, she applied under pretence of debts being due by the testator, to the Governor and Council of Nova Scotia, who then alone had power to order the sale of the property of deceased persons, for permission to sell the same, but the Governor and Council refused to order such sale or any sale thereof. She afterwards instituted proceedings in the Chancery Court of Nova Scotia, and, having concealed from the Court the title of your petitioner, fraudulently obtained an order from the Master of the Rolls to sell the said property, and under such order sold and became the purchaser thereof. Your petitioner contends that the Chancery Court held no jurisdiction over the property even if the Governor and Council had not been applied to; that the Governor and Council having refused to order a sale, no other Court could interfere; that the Master of the Rolls could not make a valid order of sale; that no hearing of the cause ever took place, nor any final decree ever made; that your petitioner's title as devisee was concealed and never set out in the writ; that no sale or deed was ever confirmed or any decree enrolled; that these and many other grounds exist making the sale of said property as to your petitioner nugatory and void. At the time of such sale your petitioner was still a mere infant. Immediately upon the accruing of your petitioner's title on the death of her mother in 1881, she brought an action of ejectment in the Supreme Court of Nova Scotia to recover a portion of her said property against the Honorable Samuel Creelman, a member of the Legislative Council of Nova Scotia, and against Alexander P. Reid, physician, which suit was decided adversely to your petitioner, but which has been appealed to the Supreme Court of Canada. Such decision was, however, given without your petitioner having been heard.

To make good the title to this property in those holding it adversely to your petitioner, an Act was passed during the session of the Legislature of Nova Scotia just closed, couched in general language, viz., making good all Chancery titles, but such general terms were used to conceal the real intention of the Act which was passed solely to prevent your petitioner from recovering the property claimed in her said suit, and of which she has been deprived by the above-mentioned irregular, fraudulent and void proceedings instituted and conducted while she was a mere infant, but never concluded. Your petitioner was not aware of any measure having been before the Nova Scotia Legislature of this character, and only discovered the fact after the close of the session; and not having had any notice of it, she was unable to offer any opposition thereto, and the said Act passed wholly unknown to her. The said Honorable Samuel Creelman was a member of the Legislative Council of Nova Scotia, and voted upon and assisted in the passing of said Act, though one of the defendants in the said suit brought by your petitioner to recover the said land. Your petitioner believes that with the exception of said Samuel Creelman, but few, if any of the members of either branch of the Legislature of Nova Scotia were aware of the true and real intention of the said Act. The said Act is entitled "An Act to confirm sales of land under order of the Supreme or Equity Court."

Your petitioner is a widow with eight young children depending upon her for support, and if the said Act should become law, great and manifest injury and injustice would be done to her and her children, and she humbly prays that Your Excellency will refuse your assent to and disallow the said Act either in whole or in so far as it will apply or include or bear upon the property or title thereof claimed in her said suit against the said Honorable Samuel Creelman and Alexander P. Reid.

And your petitioner as in duty bound will ever pray.

(Signed) MARIA KEARNEY.

(Signed) T. J. WALLACE,
Solicitor.

Copy of Last Will and Testament of Mr. Andrew McMinn

This is the last will and testament of me Andrew McMinn, of Dartmouth, in the County of Halifax, Gentleman : —

I direct that my funeral expenses and all my just debts be paid by my executors hereinafter named as soon as conveniently may be, after my decease, out of my personal property, and subject to such payment, I leave and bequeath to my wife, Mary McMinn, absolutely, and to and for her own use forever, all and whatsoever my personal estate and effects of every kind and description.

I give and devise unto my executors hereinafter named, and the survivor of them and the heirs and assigns of such survivor, "all that lot of land in the town of Dartmouth, situate at the corner of Wentworth and Quarrel Streets," purchased by me from the executors of Jonathan Tremaine, deceased.

Also a certain tract of land at Lake Leon Run, lately purchased by me from the executors of Lawrence Hartshorne, deceased, and Jonathan Tremaine, deceased.

Also two certain town lots laid out to meet Lake Leon, with the hereditaments and appurtenances to the said lots and tract belonging, to hold the same to my said executors and the survivor of them and the heirs and assigns of such survivor upon the trusts, and to and for the uses, intents and purposes hereinafter mentioned and expressed, that is to say, upon trust that they, my said executors and the survivor of them, and the heirs, executors and administrators of such survivor, do and shall make sale, and dispose of the said lots and tract of land at such times, and in such manner, and for such price or prices as they may think best; and do and shall invest the proceeds arising from such sale in such securities as they may think most expedient and proper, and in like manner invest the interest arising and accruing therefrom, with power to alter, change and vary such securities, when and so often as they may think proper for the use and benefit of my two grandchildren, Jane and Mary Norris and Ann Byrne, daughter of my said wife, Mary McMinn, as hereinafter provided, that is to say, upon trust that my said executors, and the survivor and the heirs, executors and administrators of such survivor do and shall when, and as soon as the youngest of them, the said Jane and Mary Norris and Ann Byrne, shall attain the age of twenty-one years, pay and apply the said principal moneys and all interest which shall have accumulated thereon, to and among them the said Jane and Mary Norris and Ann Byrne, in equal proportions, share and share alike; and in case but one of them shall survive to that age, then do and shall pay and apply the whole of the said principal moneys, and all interest which may have accrued thereon, to such survivor.

I give and devise unto my said wife, Mary McMinn, all that tract and parcel of land situate on the eastern side of the harbor of Halifax, conveyed to me by the late Richard John Uniacke, Esq., by deed bearing date the sixteenth day of January, A.D. 1803, and whereon I now reside, with the buildings, brickyard, improvements and appurtenances thereof or appertaining thereto.

Also all my lands at Chezetcook, containing five hundred and fifty acres, more or less, except such part thereof as is hereinafter otherwise devised. To hold the same to my said wife for and during her natural life, without impeachment of waste, and from and after the death of my said wife, in case she should survive them, then from and after my death, I give and devise the same to any child or children I may have by my present marriage with the said Mary McMinn, and the heirs and assigns of such child or children.

And in case I should have no such child or children by my present marriage, or in case of the death of such child or children, without lawful issue, then I give and devise the same to the said Anne Byrne, her heirs and assigns forever, after the death of her said mother in case she should survive me, and after her death in case her said mother should not survive me.

I give and devise to my son, Andrew McMinn, his heirs and assigns forever :—

All that lot of land at Chezetcook, drawn by my late father, Thomas McMinn, from Government, situate in division letter A, and containing two hundred and fifty acres of land, more or less.

And as to all the rest and residue of my estate not herein otherwise disposed of, I give, devise and bequeath the same to my said wife, her heirs, executors, administrators and assigns, to and for her and their own absolute use and behoof forever.

And my will and mind is, and I do hereby declare that the provision made by this my will for my said wife, shall be accepted and taken by her in lieu and full satisfaction of all dower and thirds at common law or otherwise, which she might otherwise claim or demand, of, to or out of any lands and hereditaments of which I have been, now am, or at any time hereafter may, be seized or possessed for any estate of inheritance.

I nominate and appoint James Tremaine and Edward Cunard, both of Halifax, merchants, executors of this my last will and testament.

In witness whereof, I have hereto set my hand and seal, the sixteenth day of October, 1835.

(Signed) ANDREW McMINN.

Signed, sealed, published and declared by the said testator, as and for his last will and testament, in the presence of us who in his presence, at his request and in the presence of each other, have hereto set our names as witnesses hereto.

(Signed) 1st. THOMAS BOGGS, jun.,
STEPHEN BOGGS,
H. HARTSHORNE.

Registered 24th January, 1803. Deed dated 10th January, 1803—2.30.
Uniacke Richard and wife to McMinn, Andrew.

Under Secretary of State to Mr. T. J. Wallace.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 1st May, 1885.

SIR,—I have the honor to acknowledge the receipt of a petition to His Excellency the Governor General from Maria Kearney of Dartmouth, N. S., praying for the disallowance of a certain Act passed by the Legislature of Nova Scotia making good all Chancery titles, in so far as the same affects property alluded to in the said petition, together with a copy of the last will and testament of the late Andrew McMinn, and to state that the matter will receive consideration.

I have, &c.,
(Signed) G. POWELL,
Under Secretary of State.

T. J. WALLACE, Esq.,
Solicitor, Dartmouth, N. S.

Report of the Hon. the Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 7th May, 1885.

To His Excellency the Governor General in Council:

The undersigned to whom was referred the petition of Maria Kearney, praying for the disallowance of an Act passed by the Legislature of Nova Scotia at its last Session (1885), Chapter 31, and intitled: "An Act to confirm sales of land under order of the Supreme or Equity Court," has the honor to recommend that copies of the petition and accompanying papers be transmitted to the Lieutenant Governor of

Nova Scotia, with a view to obtaining an authenticated copy of such Act, and also of affording his Government an opportunity of making any observations with regard to the said Act and petition that they think fit to make.

(Signed) A. CAMPBELL,
Minister of Justice.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 6th May,* 1885.

On a Report, dated 7th May, 1885, from the Minister of Justice stating he has under consideration a petition of Maria Kearney praying for the disallowance of an Act passed by the Legislature of Nova Scotia at its last Session, intituled: "An Act to confirm sales of land under Order of the Supreme or Equity Court."

The Minister of Justice recommends that copies of the petition and accompanying papers be transmitted to the Lieutenant Governor of Nova Scotia with a view to obtaining an authenticated copy of such Act and also of affording his Government an opportunity of making any observations with regard to the said Act and petition that they think fit to make.

The Committee advise that the Secretary of State be directed to foward the petition and accompanying papers to the Lieutenant Governor of Nova Scotia accordingly.

All of which is respectfully submitted for Your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk Privy Conncil.

The Honorable
The Secretary of State.

Petition of Mrs. Maria Kearney with respect to Chapters 23 *and* 31.

To His Excellency HENRY CHARLES KEITH FITZMAURICE, Marquis of Lansdowne, and Governor General of Canada:—

The petition of Maria Kearney, of Dartmouth, in the County of Halifax and Province of Nova Scotia, humbly showeth:

That she addressed a petition a few days ago to Your Excellency, praying that Your Excellency would disallow or refuse your assent to an Act of the Legislature of Nova Scotia for reasons contained in the said petition. Since the forwarding of said petition your petitioner has discovered that another Act of the Provincial Legislature, intituled: "An Act to enable the Government of Nova Scotia to appropriate lands for public purposes," was also passed during the last Session, and though couched in general language, as if to apply universally, was intended solely to take lands from your petitioner under circumstances which she contends are wholly unjustifiable. The circumstances are these: In the year 1859 the Provincial Government were constructing a building known as the Hospital for the Insane, and needed a supply of water for it, which could be obtained by carrying water pipes through land which had been devised to your petitioner by her father, subject to the life interest of her mother, then living.

An Act of Parliament was consequently passed, enabling the Government to carry a set of pipes through this property, which was afterwards done. An ample supply of water was thus obtained and continued until about a year ago, when, without her permission, the set of pipes so laid with such water supply were handed over to a sugar refinery in the neighborhood. The consequence of this wrongful as well as injudicious bartering away of this valuable right was that this institution was left without water except what it could obtain by sufferance from the sugar refinery.

To meet the difficulty so recklessly brought on, the Government of Nova Scotia, unsanctioned by any law, with force and violence entered the land of your petitioner and to the extent of over a thousand feet, sank a deep trench through the same, and laid therein a new set of pipes thereby unjustly acquiring a second supply of water. An action was thereupon instituted by your petitioner before the passing of this Act, to obtain a removal of this second set of pipes out of this property which is now in her possession, by the death of her mother in 1881, and this action is at the present moment on the list of trials of the Supreme Court of Canada, to which Court it has been removed by appeal from the Supreme Court of Nova Scotia.

Your petitioner contends that the said Act concealed under general terms aims at the destruction of this suit, by obtaining, by Act of Parliament, property in litigation, which would be an unconstitutional exercise of legislative power. Your petitioner furt her contends that to allow her property to be again invaded and forcibly taken from her for a purpose once already satisfied by an adverse appropriation of her property would be a proceeding unexampled in hardship, wholly unjust in principle, and unwarranted by any precedent however arbitrary.

Your petitioner further submits that as the Provincial Government of Nova Scotia are constructing no public works and have no intention of doing so, and possess none except the building known as "the Province building" and the building known as the Hospital for the Insane, no such Act is required, and to place such unlimited power of taking lands in the hands of the Council of the Province as that Act proposes wantonly, would be a most arbitrary exercise of legislative power.

Your petitioner also submits that, except in cases of the most pressing necessity which do not exist in Nova Scotia, the land of the subject should not be wrested from him until he would first receive compensation, but this Act intends the contrary and this right of the subject to hold his land generally till he voluntarily parts with it, or is paid for it when he is to be adversely deprived of it, applies most particularly to the Government of Nova Scotia taking lands; for as the Government cannot be impleaded in any court or brought to account except through their agents or servants whom this Act screens from liability, the party deprived of his land under this Act should not be deprived thereof before compensation made in any case. This Act it is true refers to arbitration and make a sort of plausible flourish in this way, but arbitration could neither be enforced against the Government, nor any award obtained by arbitration, and every proprietor would, after being deprived of his land be at the mercy of the Government for compensation.

Your petitioner further submits that the Legislature of Nova Scotia when independent and exercising control over the whole Province and over extensive public works, never attempted to pass a General Act to appropriate property, but brought each particular case before Parliament in an open and public manner so as to give an opportunity to parties interested to be heard before a Committee of the Assembly, and in order to have it sanctioned or rejected upon its merits, and that this is the first attempt of the kind ever made and it is contrary to the practice and course of the Legislature of Nova Scotia since the foundation of the Province. Annexed hereto are copies of both said Acts duly certified.

Your petitioner therefore most respectfully and humbly prays Your Excellency to refuse your assent to the Act intituled: "An Act to enable the Government of Nova Scotia to appropriate lands for public purpose," as well as to the Act previously petitioned against.

(Signed) MARIA KEARNEY,
By her Solicitor
T. J. WALLACE.

OTTAWA, 8th day of May, 1885.

AN ACT TO CONFIRM SALES OF LAND UNDER ORDER OF SUPREME OR EQUITY COURTS.

Be it enacted by the Governor, Council and Assembly as follows :—

1. All sales and conveyances of any lands and real estate heretofore made by any Master of the Court of Chancery or of the Supreme Court, or by any sheriff or other person, under and pursuant to the directions of any order or decree of the Court of Chancery, Judge in Equity, Supreme Court or any Judge thereof, and all sales hereafter to be made under and pursuant to any such order, decree or judgment heretofore made or hereafter to be made, shall, if or when confirmed, be good, valid and effectual for conveying and transferring to the respective purchasers all the estate, right, title and interest of the parties in or to the lands by such order, decree or judgment directed to be sold, without the said parties being made parties to such deeds of conveyances.

2. Such deeds heretofore excepted, when so confirmed, shall be presumptive evidence of the estates or interest intended to be conveyed, being thereby conveyed, and of the regularity of the proceedings.

3. On sale of mortgaged premises under foreclosure and sale, it is hereby declared and enacted that it has been and shall be lawful for the mortgagee to purchase.

AN ACT TO ENABLE THE GOVERNMENT OF NOVA SCOTIA TO APPROPRIATE LANDS FOR PUBLIC PURPOSES.

Be it enacted by the Governor, Council and Assembly as follows :—

1. The Government of Nova Scotia is hereby authorized and empowered, whenever they shall require any lands or any easement or right in any private property for public purposes, the appropriation of which is, in their judgment, necessary for the use, construction and maintenance of any public work or building, or for the use, construction or maintenance of hydraulic privileges, made or created by, from, or at any public works, or for obtaining access thereto, they may for such purposes contract and agree with any and all persons, bodies corporate, guardians, tutors, curators and trustees whatsoever, not only for themselves, their heirs, successors and assigns, but also for and on behalf of those whom they represent, whether infants, minor children, absentees, lunatics, married women, or other persons incapable of contracting, possessed of or interested in such lands, real property, streams, waters and water-courses, and all such contracts and agreements, and all conveyances or other instruments made in pursuance of any such contract or agreement shall be valid to all intents and purposes whatsoever.

2. In case no such agreement is made, the Governor in Council is hereby authorized and empowered to appropriate any such lands, rights or easements so required by them, and to authorize any person or persons by minutes of Council to enter upon such lands for the purpose or purposes for which the same was taken, and said Government may acquire, on giving to the party in possession, if any, or the owner thereof, if known, three days' notice of said appropriation, and thereupon the right, title and interest in said land, right or easement shall pass to and vest in the Crown for the purposes for which the said land, or right, or easement was appropriated. Upon such appropriation the Government shall pay into the Prothonotary of the Supreme Court the reasonable value or their estimation of the same, and give notice to the party in possession, if known, or to the owner, if known, that such valuation has been paid into Court as aforesaid, and in case such owner is not satisfied with said sum so paid, then on application to a Judge or the Court, the Government shall appoint one arbitrator, the party or parties interested another, and the Court the third arbitrator, and the award of the said arbitrators, or any two of them

as regards the value of the said property, or the rights acquired by the Government, shall be final and conclusive, unless it can be shown that a mistake has been made in drawing said award, and upon the award being filed and notice thereof given to the Government, they shall pay the amount of said award into Court, who shall pay it out to the parties entitled thereto.

3. No action shall be brought or maintained against any person or persons, authorized by the Governor in Council, or by any head of any public Department to enter into or upon any lands, rights or easements taken or required under this Act, or taken or required by the Government, or any head of Department for any public purposes.

I, Henry C. D. Twining, Clerk of the House of Assembly of Nova Scotia, do hereby certify the foregoing to be true and correct copies of Acts, which having passed both branches of the Local Legislature, were respectively assented to by His Honor the Lieutenant Governor of said Province, on the twenty-fourth day of April, 1885.

(Signed) HENRY C. D. TWINING.

Clerk of Assembly.

Under Secretary of State to Mr. T. J. Wallace.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 11th May, 1885.

SIR,—I have the honor to acknowledge the receipt of a petition to His Excellency the Governor General from Maria Kearney, of Dartmouth, N.S., praying for the disallowance of a certain Act of the Legislature of Nova Scotia, intituled: "An Act to enable the Government of Nova Scotia to appropriate lands for public purposes," as well as the Act referred to in a previous petition of the said Maria Kearney, the receipt of which has been duly acknowledged, and to state that the matter will receive consideration.

I have, &c.,

(Signed) G. POWELL,

Under Secretary of State.

T. J. WALLACE, Esq.,
Solicitor, &c., Dartmouth, N.S.

Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 3rd June, 1885.

SIR,—I have the honor to transmit to you herewith copies of two petitions to His Excellency the Governor General from Maria Kearney, of Dartmouth, N.S. praying for the disallowance of an Act passed by the Legislature of Nova Scotia at its last Session, intituled: "An Act to confirm sales of land under Order of the Supreme or Equity Court," and of the enclosures referred to in such petitions.

I have to request that you will cause the copies in question to be forwarded to your Government in order that they may be afforded an opportunity of making any observations with regard to the Act and petitions that they may think fit to offer for the information of His Excellency in Council.

I have also to request that you may be pleased to forward for His Excellency's information an authenticated copy of the said Act.

(Signed) J. A. CHAPLEAU,
Secretary of State.

His Honor
The Lieutenant Governor of Nova Scotia, Halifax.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, HALIFAX, N. S., 26th June, 1885.

SIR,—I have the honor to acknowledge the receipt of Mr. Under Secretary Powell's despatch, of the 3rd instant, transmitting copies of two petitions to His Excellency the Governor General from Maria Kearney, of Dartmouth, N. S., praying for the disallowance of an Act passed by the Legislature of Nova Scotia, last Session, intituled: "An Act to confirm sales of land under order of the Supreme or Equity Court," and I have the honor to say that I have forwarded the copies in question to the members of my Government for their observations thereon, and also requested them to furnish me with an authenticated copy of the above named Act with a view to its being forwarded for the information of His Excellency the Governor General.

I have, &c.,
(Signed) M. H. RICHEY,
Lieutenant Governor.

The Honorable
The Secretary of State for Canada, Ottawa.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, HALIFAX, N. S., 10th July, 1885.

Sir,—Referring to my despatch No. 34 dated 26th June last, acknowledging yours, No. $\frac{2121}{6343}$, of the 9th ultimo, I have now the honor to enclose the report of my Attorney General upon the Acts of the Legislature of Nova Scotia passed at the recent Session of 1885, intituled: "An Act to confirm sales of land under order of Supreme and Equity Courts," and "An Act to enable the Government of Nova Scotia to appropriate lands for public purposes." I also enclose together therewith certified copies of the Acts in question.

I have, &c.,
(Signed) M. H. RICHEY
Lieutenant Governor.

The Honorable
The Secretary of State for Canada,
Ottawa.

Attorney General White to Provincial Secretary.

HALIFAX, 22nd June, 1885.

SIR,—I have perused the two memorials of Maria Kearney praying for the disallowance by His Excellency the Governor General of two Acts of the Legislature of Nova Scotia passed during the recent Session of 1885, the first entitled "An Act to

confirm the sales of land under order of Supreme and Equity Courts," and being Chapter 31 of the Statutes of 1885, the second, "An Act to enable the Government of Nova Scotia to appropriate lands for public purposes," and being Chapter 23 of the Acts of 1885.

As you are aware, Chapter 31 was submitted by Mr. James Thompson, of the firm of Thomson & Bullock, solicitors, of this city, with a view to remedying the legislation with regard to perfecting titles under foreclosure of mortgage.

This Government had nothing whatever to do with the introduction of the Act, though Mr. Longley and myself entirely concurred in the necessity for its introduction on its being presented to us by Mr. Thomson, and I find that he is as much surprised as we all are to discover that Maria Kearney or her counsel should consider that the existence of her suit now pending in the courts in any manner prompted its passage.

I enclose herewith Mr. Thomson's letter written to me after he had perused Maria Kearney's petitions. In regard to the alleged trespass, I may say that no portion of the waterpipe trench passes through lands of Maria Kearney, unless, indeed, the public highway leading from the town of Dartmouth to Cow Bay and other places is discovered to be her private property.

In October, 1884, an action of trespass was instituted at the suit of said Maria Kearney against Dickson and Ryan, two employees of the Provincial Lunatic Asylum, who were engaged in reopening, by direction of the Government, the trenches in which were laid the waterpipes leading from Maynard's Lake to the asylum. The trenches were cut originally in the year 1858, and the trespass complained of is for opening them on the public road which intersects Maria Kearney's property. After issuing the writ in her action of trespass she obtained an injunction to restrain the said employees of the Government from prosecuting the work of putting in a new pipe, which injunction was without delay discharged on application to the Court at Halifax, which Court was unanimous in its judgment dissolving said injunction. From this judgment Mr. Wallace appealed to the Supreme Court of Canada, and on hearing said appeal the said Supreme Court unanimously sustained the judgment delivered by the Supreme Court of Nova Scotia and gave judgment quashing said appeal.

I append hereto the affidavits of Messrs. Dickson and Ryan, which were used in the argument of said appeal.

In regard to Chapter 23 of the Acts of 1885, I may be permitted to remark that such an Act is essential if the public works of the Province are to be proceeded with uninterruptedly. It is a transcript of the Dominion Act of 1868, so far as it goes, and in providing for the accommodation of the public interests due regard is had for the protection of private individuals. But were it otherwise the contention of Mr. Wallace on behalf of Maria Kearney is very inaccurate, as the passage of this Act cannot, in my opinion, affect in any manner suits instituted prior to its passage and now *pendente lite*.

Attached hereto are certified copies of both statutes.

I have, &c.,

(Signed) A. J. WHITE,

Attorney General.

Hon. W. S. FIELDING,
Provincial Secretary.

Mr. James Thomson to the Hon. the Attorney General.

HALIFAX, 18th June, 1885.

DEAR SIR,—In 1832 (3 Will. IV, Chap. 52) an Act was passed in the Legislature of this Province declaring and enacting that all sales and conveyances made or there

after to be made by a Master of the Court of Chancery should, when confirmed, be good and effectual for transferring to the purchasers the interest directed in the decree to be sold.

It is evident that at that early date the Court of Chancery had been in the habit of making decrees for the sale of real estate and having the deeds executed by a Master of the Supreme Court.

This practice was continued until 1850. Upon the revision and consolidation of the statutes in that year it was enacted in the Act relative to the Court of Chancery (Chapter 127, Section 6 : " All conveyances of land made in pursuance of any order or decree of the court shall be effectual when confirmed by the court for conveying such land without the persons whose interests are conveyed being made parties thereto.)"

In 1855 an Act was passed " abolishing the Court of Chancery and conferring equity jurisdiction on the Supreme Court " (Chap. 28). While this Act repealed Chapter 127 of the Revised Statutes it omitted any mention of Section 6, relative to the sale and conveyance of real estates. It was evidently inadvertently omitted. The practice was never changed in the court when equity jurisdiction was then conferred upon it. The attention of practitioners does not appear to have turned to this omission in that law. Hundreds of mortgages have since been foreclosed and sales made by the sheriffs or masters under decrees of the Court of Equity and deeds made to the purchasers at such sales.

As you are aware I myself have foreclosed a considerable number, and have passed many titles depending on the validity of such sale.

While lecturing on real property at the law school, the omission was brought to my notice, and I hastened to remedy the defect and prepared the Act in question.

I had not in view any particular case nor was I aware that it would in any way affect the cause of Maria Kearney.

I have, &c.,

(Signed) JAMES THOMSON.

The Honorable
The Attorney General, Halifax, N.S.

Copies of Affidavits of Messrs Dickson and Ryan.

IN THE SUPREME COURT, 1884.

Between { Maria Kearney, *Plaintiff*,
and
Douglas Dickson and William Ryan, *Defendants*.

I, Douglas Dickson, of Mount Hope Asylum, in the County of Halifax, Engineer, make oath and say as follows :—

1. I say that I am resident engineer at Mount Hope Asylum in the County of Halifax, and have been such for twenty-five years.

2. That in the fall of the year one thousand eight hundred and fifty-eight, the then Commissioners for the Provincial Hospital for the Insane, situate at Mount Hope, County of Halifax, laid water pipes from Maynard's Lake, so-called, to the said Hospital, for the uses of the same, and that where said water pipes were laid through any private property the owners thereof were compensated in damages.

3. That no portion of that water pipe was carried through any portion of the plaintiff's property, but that the same was carried along in a trench about four feet deep on the western part of the public highway and within the fences on either side of said highway, but that said public road runs in front of and along said plaintiff's property.

4. That said public road or highway through which said pipes were conveyed has been open between said fences to my knowledge for the last twenty-five years, and from information received by me it has been open and kept open as such public highway for over seventy years, and that the same has been kept up by expenditure of public moneys and by statute labor.

5. That since the laying of said pipes I as such engineer have repeatedly opened said trench on said highway in front of said plaintiff's property for the purpose of repairing them, and the then occupant—the mother of said plaintiff—never forbid me nor made any claim for the same.

6. That by an arrangement between the Government of Nova Scotia and George G. Dustan of the Woodside Sugar Refinery at Dartmouth, the pipe so laid is now carried to said refinery and also supplies said Hospital with a very limited supply of water, not sufficient for the uses of said Hospital.

7. That in consequence of this the Government of Nova Scotia are laying a new pipe along and in the trench of the old water pipe, and from said Maynard's Lake to the said Hospital, but no portion of said pipes runs through any land of the plaintiff, but said pipe is laid on and in said highway in front of said plaintiff's land, and which are the trespasses and grievances mentioned in the plaintiff's statement of claim herein, and that the said digging on said highway is between the fence on each side of said road, being the plaintiff's fence, and the trench so dug and the pipes so laid on said highway has been done by me under the direction of the Provincial Engineer.

8. That the water now conveyed through the old pipe to the said Hospital is entirely indequate and insufficient for uses of said Hospital, and in case of fire said supply would be comparatively useless.

9. That the road through which said new and old pipes are laid is the road or public highway from Dartmouth to the eastern passage and elsewhere, and known as the Eastern Passage Road.

10. That I have done nor caused to be done no work since the restraining order herein was served on me on the tenth day of October instant, but that the said trench for a long distance along said road remains open, and if a heavy rainstorm occurs in the meantime it will be difficult to continue laying a new pipe, and the public cannot get the uninterrupted use of said highway.

11. That I have not trespassed nor in any way interfered with the plaintiff's property, and the nearest that said trench on said highway comes to said plaintiff's property is about two feet at the very nearest point, and that said plaintiff nor no one on her behalf ever forbid me laying down said new pipe nor digging the trench therefor.

I say that I am able to pay any reasonable damages that may be obtained against me herein, but this suit is defended by the Government of Nova Scotia, who are the real parties herein.

(Signed) DOUGLAS DICKSON.

Sworn to at Halifax, in the County of Halifax, this 16th day of October, A. D. 1884, before me,
(Signed) JOHN T. ROSS,
Com. Sup. Court, Co. Halifax.

IN THE SUPREME COURT, 1884.

Between { Maria Kearney, *Plaintiff*, *and* Douglas Dickson and William Ryan, *Defendants*.

I, William Ryan, of the City and County of Halifax, labourer, make oath and say as follows:—

1. I say that I have been duly served with a writ of summons and restraining order herein, and that since its service on me I have done nor caused to be done no work whatever on that portion of the highway running in front of the land of the plaintiff.

2. I say that I never trespassed nor authorized any one to trespass on the lands of the plaintiff.

3. That the Government of Nova Scotia are laying a water pipe from Maynard's Lake, so called, to the Hospital for the Insane at Mount Hope, Dartmouth, and I have been employed by said Government to superintend the men in digging the trench necessary to lay said water pipe; that said water pipe has been and is now carried along the highway in front of the land claimed by the plaintiff, but upon no part or portion of plaintiff's property.

4. That the excavations made for said water pipe were made in said highway and at the nearest point to plaintiff's property more than two feet away from her fence on said highway.

5. That the highway aforesaid is known as the Eastern Passage Road, and that I have known said road or highway for about thirty years, and the same has always been used as such for public use.

6. That said plaintiff's fence on said road is not in a straight line, but some portions of her fence project out on the road and narrows the same, in consequence of which said road is in some places only seventeen feet from the centre of the road to her fence, and in other places thirty-five feet to her fence, and other parts twenty-three feet.

(Signed) WILLIAM RYAN.

Sworn to at Halifax, in the County of Halifax, this 16th day of October, A. D. 1884, before me,
(Signed) JOHN T. ROSS,
Com. Sup. Court for Co. of Halifax.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 14th July, 1885.

SIR,—With reference to previous correspondence upon the subject, I have now the honor to acknowledge the receipt of your despatch of the 10th instant, and of the several enclosures therein mentioned and relating to the petition of Mrs. Maria Kearney praying for the disallowance of a certain Act of the Legislature of Nova Scotia, intituled: "An Act to confirm sales of land under order of Supreme and Equity Courts."

I have, &c.,
(Signed) G. POWELL,
Under Secretary of State.

His Honor
The Lieutenant Governor of Nova Scotia, Halifax, N.S.

Secretary Department of Railways and Canals to Deputy Minister of Justice.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 12th February, 1886.

SIR,—I am directed to refer to you, for the necessary action thereon, a petition addressed to His Excellency the Governor General, dated the 4th February instant, from Mr. Norvin Green, by his Attorney the Hon. W. McDougall, praying, for the reasons stated, that His Excellency will be pleased to disallow a certain Act, passed

by the Local Legislature of the Province of Nova Scotia, Chapter 39, declaring a certain draft-agreement, dated the 27th July, 1883, purporting to have been made by and between the North American Construction Company of the one part, the Great American and European Short Line Railway Company of the second part, and William Stewart and W. H. Chisholm, Trustees, of the third part, as a security to the sub-contractors of the said North American Construction Company for certain balances due them by the said Construction Company—to be a valid and binding deed.

With regard to paragraphs 7 and 8 of the above petition, I am instructed to say that the reason why the proposed contract between Her Majesty and the Montreal and European Short Line Railway Company has not been fully executed is that the said company has failed to pay outstanding claims of the said sub-contractors.

I am, &c.,

(Signed) A. P. BRADLEY,

Secretary.

G. W. Burbidge, Esq., Q.C.,
Deputy Minister of Justice.

Petition of Mr. Norvin Green to Governor General, re Chapter 39.

To His Excellency The Marquis of Lansdowne, Governor General of Canada, &c., &c., &c :—

The petition of the undersigned, Norvin Green, of the City of New York, President of the Montreal and European Short Line Railway Company, humbly showeth :

1. That your petitioner subscribed for and now holds a large amount of the capital stock of a railway company incorporated by an Act of the Parliament of Canada, being chapter 73 of the Session of 1882, with power to construct a railway from Cape North, in the Island of Cape Breton, to the Strait of Canso, and from New Glasgow (in Nova Scotia,) to Oxford, Amherst or some suitable point of intersection with the Intercolonial Railway, and thence by the use of, or connection with, other lines through the Province of New Brunswick, the State of Maine and the Province of Quebec, to establish railway communication with Montreal.

2. That by an Act of the same Parliament, passed in the Session of 1884, the name of the said company was changed and was thereafter to be known as "The Montreal and European Short Line Railway Company," with power to construct a line from Sydney or Louisburg, in Cape Breton, and also to construct a line from New Glasgow along the north shore of Nova Scotia, through Moncton and Fredericton, in New Brunswick, to a point on the New Brunswick Railway between Debec and McAdam's Junction, and "for the purpose of making the railway line and connection with the city of Montreal more direct," were empowered to "hold, acquire and maintain a part thereof across any part of the State of Maine" or intervening States, so far as might be consistent with the laws of the said State or States.

3. That the said last mentioned Act, which received the Royal Sanction from your Excellency, 19th April, 1884, expressly declared that your petitioner's company (which had already secured the right of way and expended large sums of money in surveys and construction in Nova Scotia) should, under its new name and enlarged powers, "enjoy all the franchises and privileges and hold all the rights and assets, and be subject to all the liabilities" which had heretofore "attached to the Great American and European Company."

4. That the time limited by the Act of incorporation for the commencement of the construction of the lines therein mentioned expired in the month of April of last year, and the time limited for the completion of the same will not expire until April, 1889.

5. That no time is limited by the amending Act of 1884, either for the commencement or the completion of the line from Sydney or Louisburg to Canso, or the

line from New Glasgow to Moncton and Fredericton, and thence through the State of Maine to Montreal.

6. That all the rights, powers and franchises granted to your petitioner's company in and by their Act of incorporation (except as modified and extended by the amending Act of 1884) are still possessed and enjoyed, and held by the company as a subsisting corporation, without any default or forfeiture under the terms and provisions of the said Acts or either of them.

7. That under any and by virtue of an agreement dated 9th May, A.D. 1884, between Her Majesty (represented by the then Minister of Railways, Sir Charles Tupper) and the company, the latter became entitled to certain subsidies which Parliament had granted in aid of their said railway, to be paid from time to time on the completion of ten miles sections thereof, in cash, or by guarantee of bonds at the option of the company.

8. That serious embarrassments and delays have been caused to your petitioner's company by the refusal of the present Minister of Railways to recognize or act upon the contract made by Sir Charles Tupper with the company, although the said contract was duly signed by him, sealed with his official seal, and countersigned by the Secretary of the Department as required by law.

9. That your petitioner is advised and believes that the corporate rights, franchises and property of your petitioner's company, under the said Acts of the Canadian Parliament, are still good and valid in law.

10. That prior to the passing of the Act of 1884, and the making of the agreement of 9th May, 1884, a certain draft-agreement, dated 27th July, 1883, purporting to have been made by and between the North American Construction Company of the one part, the Great American and European Short Line Railway Company of the second part, and William Stewart and W. H. Chisholm, trustees, of the third part, as a security to the sub-contractors of the said North American Construction Company for certain balances due them by the said Construction Company, was signed at Pugwash, in Nova Scotia, by an officer of the Great American and European Short Line Company, on behalf of both the said companies, with the intent that the same if approved by the said companies and executed by them, would then become and be valid and binding.

11. That the said draft agreement of 27th July, 1883, was wholly unauthorized by the said Great American and European Short Line Railway Company, and has never been approved, signed or sealed by that company or by any person or persons authorized to deal with or bind the property, assets, or franchises of the same in Nova Scotia or elsewhere.

12. That with full knowledge of these facts the Provincial Legislature of Nova Scotia, on the 24th day of April, 1885, passed an Act which declares the said unauthorized draft or writing a valid and binding deed, as if the same had been duly approved and executed by the said companies, and vests, or purports to vest, all the property and assets of your petitioner's company in Nova Scotia, in two persons, called trustees, and authorizes or purports to authorize the sale of all the said property and assets, "particularly the road-bed, right of way, rails, sleepers, rights, privileges and franchises connected with the said line of railway, and the interest of the said company in the subsidy granted to it by the Dominion Government," to third parties without the privity or consent of your petitioner's company.

13. That the said Act contained a proviso that the same "should have no force or effect until published in the "Royal Gazette" by order of the Governor in Council."

14. That it appears from the "Royal Gazette" of 6th January, 1886, a copy of which is annexed hereto, that the said Act, Chapter 39, of 24th April, 1885, has been published therein by order of the Governor in Council.

15. Your petitioner submits for Your Excellency's consideration that, under the facts and circumstances herein set forth, the said Act of the Legislature of Nova Scotia, Chapter 39, intituled: "An Act to confirm and give effect to an indenture bearing date the 27th day of July, 1883, and purporting to be made between the North

American Construction Company of the first part, the Great American and European Short Line Railway of the second part, and William Stewart and W. H. Chisholm of the third part, and also purporting to be executed for said companies by Charles L. Snow," ought to be disallowed by Your Excellency as *ultra vires* of the constitutional power and jurisdiction of the said Legislature.

16. Your petitioner is advised that it is not competent for a Provincial Legislature to amend, vary, or repeal any Act of the Dominion Parliament relating to matters within its constitutional jurisdiction, or to alter, or validate agreements or contracts dealing with the property and franchises of a Dominion Corporation.

17. Your petitioner respectfully represents to Your Excellency that he, and a majority of his co-shareholders, are citizens of the United States; that by the comity which now happily exists between the said United States and the Dominion of Canada, they have been led to believe that the rights they have acquired, and the capital they have invested in the Province of Nova Scotia will be recognized and protected by Your Excellency with the same justice and impartiality that would be extended to them if they were citizens and subjects of Her Majesty's domiciled in Canada.

Your petitioner, therefore, humbly prays that Your Excellency will be pleased to disallow the said Act, Chapter 39, A.D. 1885, of the Legislature of Nova Scotia, before the expiration of one year from the passing thereof.

And your petitioner as in duty bound will ever pray.

(Signed) NORVIN GREEN.

By his attorney

WM. McDOUGALL.

OTTAWA, 4th February, 1886.

Copy of the Act Chapter 39 *of the Agreement therein mentioned.*

PROVINCIAL SECRETARY'S OFFICE,

HALIFAX, 4th January, 1886.

The Act hereunto annexed, Chapter 39 of the Acts of the Legislature of Nova Scotia, 1885, entitled: "An Act to confirm and give effect to an Indenture bearing date the twenty-seventh day of July, 1883, and purporting to be made between The North American Construction Company of the first part, The Great American and European Short Line Railway Company of the second part, and William Stewart and W. H. Chisholm of the third part; and also purporting to be executed for said companies by Charles L. Snow," is published by order of the Governor in Council.

W. S. FIELDING,

Provincial Secretary.

Chapter 39. An Act to confirm and give effect to an Indenture bearing date the twenty-seventh day of July, 1883, and purporting to be made between The North American Construction Company of the first part, The Great American and European Short Line Railway Company of the second part, and William Stewart and W. H. Chisholm of the third part; and also purporting to be executed for said companies by Charles L. Snow. (Passed the 24th day of April, A.D. 1885.

Whereas, The Indenture set forth in the schedule to this Act, and marked "A," and purporting to be made between the North American Construction Company of the first part, the Great American and European Short Line Railway Company of

the second part, and William Stewart and W. H. Chisholm of the third part, and to be executed on the part of the companies therein mentioned by Charles L. Snow, as by reference thereto will more fully appear, was executed and delivered to the said William Stewart and W. H. Chisholm by the said Charles L. Snow without proper authority from the said companies in that behalf, and is alleged to be of no effect for want of proper sealing, delivery and execution by the said companies;

And whereas, The said Indenture was registered by the Registrar of Deeds at Amherst, in Cumberland County, on the thirty-first day of July, 1883, in Book No. 8, folios 78 and 79, but such registration is alleged to be defective;

And whereas, The property and assets of the Great American and European Short Line Railway Company, now the Montreal and European Short Line Railway Company, are situated chiefly in the Counties of Cumberland, Colchester and Pictou;

And whereas, Doubts have also arisen in respect to the expropriation and acquisition by said companies of lands in said counties for the right of way, and as to the said right of way having been duly vested in the said company, although such lands are in part covered by the road bed constructed by said company; and also as to the rights of the public therein, and the right to sell the said road and assets in the said indenture mentioned;

And whereas, William Stewart and W. H. Chisholm, in said indenture mentioned, trustees, are desirous of selling and conveying all the property and assets of the said companies, or of either of them, in this Province and in said indenture described, in order to enable them to fulfil the trusts mentioned therein;

And whereas, The Montreal and European Short Line Railway Company did, on the first day of September, 1884, execute a mortgage to a trustee, viz., one John J. McCook, to secure bondholders to the extent of $3,600,000, covering the line of railway of said company, which said mortgage appears to have been registered in the County of Cumberland on the thirteenth day of September, 1884, and in Colchester County on the fifteenth day of September, 1884, and in the Counties of Pictou and Guysborough subsequently;

And whereas, It is expedient to confirm and give effect to the said indenture set forth in schedule "A," and to make the same as valid as if the same had been duly executed by the said North American Construction Company and the said Great American and European Short Line Railway Company on the date thereof, and duly registered and filed in the registrar of deeds' offices in the said counties, and to declare that the said indenture vested in the said William Stewart and W. H. Chisholm, as such trustees, the said property and assets, and to enable them, the said trustees, to dispose of the same;

Be it therefore enacted by the Governor, Council and Assembly, as follows:

1. The said indenture of the twenty-seventh day of July, 1883, which is in the schedule to this Act set forth and marked "A," is hereby confirmed and declared to be valid, effectual and authentic, and to have been duly executed by the said North American Construction Company and the said Great American and European Short Line Railway Company on the date thereof, and on the same date to have vested in the said William Stewart and W. H. Chisholm and the survivor of them, and the heirs and assigns of such survivor, all the property and assets of said companies, or either of them, in the Province of Nova Scotia, particularly the road bed, right of way, rails, sleepers, rights, privileges and franchises connected with the line of railway mentioned in the said indenture, and their interest in the subsidy granted to them by the Dominion Government; and the said indenture shall be taken and adjudged to be valid, effectual and authentic for the purposes therein mentioned, and as if the same had been duly executed by the said North American Construction Company and the Great American and European Short Line Railway Company, on the twenty-seventh day of July, 1883, and duly registered and filed in said counties on the thirty-first day of July, 1883.

2. The property and assets which were of the North American Construction Company and the Great American and European Short Line Railway Company on

said twenty-seventh day of July, 1883, particularly the road bed, right of way, rails, sleepers, rights, privileges and franchises connected with the said line of railway, and the interest of the said company in the subsidy granted to it by the Dominion Government, are vested in the said William Stewart and W. H. Chisholm, and shall at all times hereafter be deemed, taken and adjudged to have been vested in, and well and effectually conveyed to the said William Stewart and W. H. Chisholm from the said twenty-seventh day of July, 1883. And the said William Stewart and W. H. Chisholm are hereby authorized and required to carry into effect the provisions of said indenture, and in so doing are hereby saved harmless and indemnified in the premises.

3. The said William Stewart and W. H. Chisholm shall have full power and authority to sell and absolutely dispose of all the said property and assets, by public auction, to the highest bidder, after thirty days' notice of such sale in the Halifax "Chronicle" and "Morning Herald" newspapers, published at Halifax, and the "Canada Gazette." Every deed or conveyance thereof executed by such trustees, or the survivor of them, shall vest in the purchaser a full, absolute and perfect title to the same, and every such conveyance shall be valid and effectual.

4. The proceeds of such sales shall be applied as in the said indenture mentioned, and the surplus, if any, shall be paid to the parties entitled to receive the same.

5. This Act shall have no force or effect until published in the "Royal Gazette" by order of the Governor in Council. Such order shall not be passed until arrangements satisfactory to the Governor in Council shall have been made for securing to the creditors of the contractors mentioned in the indenture set forth in the schedule to this Act, out of the moneys realized from the sale of the property and assets herein referred to, the sums due to them for labor and materials used in the construction of the railway.

SCHEDULE "A."

This indenture, made this twenty-seventh day of July, in the year of our Lord one thousand eight hundred and eighty-three, between the North American Construction Company of the first part, the Great American and European Short Line Railway Company, of the second part, and William Stewart, of New Glasgow, in the County of Pictou, contractor, and W. H. Chisholm, of Lachute, in the Province of Quebec, of the third part.

Whereas, The party of the first part has undertaken the construction of a line of railway from Oxford, in the County of Cumberland, to New Glasgow, in the County of Pictou, and made a contract therefor with the party of the second part;

And whereas, The party of the first part have suspended the work on the said line of railway, and have failed to pay the contractors hereinafter named the amount now due to them and the amount of their estimate up to the present time, and the said contractors have demanded security from the parties of the first part for the payment therefor, which the party of the first part and second part have consented to give, and for the purpose of such security the said contractors have appointed said William Stewart and W. H. Chisholm of the third part their trustees, to take such security as the parties of the first and second parts can give;

And whereas, For the purpose of making such security as effectual as possible, the parties of the first and second parts have agreed to have transferred to the parties of the third part all their property and assets of every kind and description in the Province of Nova Scotia, including right of way, road bed, plants, sleepers, rails, subsidies, franchises, and all their right, privileges, debts, claims and liens of which they may be possessed, or may now be due to them, or may hereafter accrue to them in respect of any work now performed, and have further agreed to put the parties of the third part in a position so far as they are able to do, to draw any subsidy to which they may become entitled as aforesaid;

Now therefore, This indenture witnesseth, that for and in consideration of the premises, and to secure to the contractors whose names are hereafter mentioned, the amounts due them up to the present time and on their final estimates, and in further

consideration of the sum of one dollar to them in hand paid by the said parties of the third part, the receipt whereof is hereby acknowledged, have conveyed, assigned and transferred, and by these presents do convey, assign and transfer to the parties of the third part, and their heirs and assigns, all their right, title, interest and claim in all their property and assets in the Province of Nova Scotia, particularly the road bed, right of way, rails, sleepers, rights, privileges and franchises connected with the said line of railway, and their interest in the subsidy granted to them by the Dominion Government, and all their claims and demands which they have against the Dominion and Local Governments, or any person or persons whomsoever.

To have and to hold the same unto the parties of the third part and their heirs and assigns to their sole use forever, and upon the trust following, that is to say, to collect, demand, sue for, and receive all such property, assets, claims, lines and subsidy, and when so recovered and paid to distribute and pay the same in proportion to the several claims of the said contractors hereinafter mentioned, share and share alike in proportion to their claims, and if any surplus remain after paying the said contractors, to repay the same to the parties of the first and second parts.

The said contractors entitled to receive a share of the same under this assignment are as follows: Thomas Cooke, Chisholm, McDonald & O'Brien, McDonald, Stewart, & Maxwell, Thomas Giles, Doutney & Gilroy, Chisholm & McKay, John N. McElmon, McDougall & Chisholm, Gillespie & Babineau, and Angus McIntosh. Provided always, and these presents are on these express conditions: that if the parties of the first or second part shall pay or cause to be paid to the several contractors above named, the several amounts due to them on their final estimate as certified by the company's engineer at any time before the parties of the third part shall have collected or received the same out of the property herein conveyed to them, and such further damages as may hereafter be fixed or agreed upon, that in such case the parties of the third part shall re-convey and release all right, title and claim they may have obtained by virtue of these presents.

It is further mutually agreed that the contractors hereinbefore named shall be paid such reasonable damages by the parties of the first and second part, caused by delays and non-fulfilment of contract on the part of the parties of the first and second part hereto, as may hereafter be agreed to or upon, or determined by arbitration or otherwise.

In witness whereof, the parties to these presents have hereunto their hands and seals subscribed and set the day and year first above written.

NORTH AMERICAN CONS. CO., [L.S.]
Per CHAS. L. SNOW, Supt. of Cons.,
Party of the first part.

GREAT AM. & E. SHORT LINE RY. CO., [L.S.]
Per CHAS. L. SNOW, Chief Engineer and Gen. Manager,
Party of the second part.

WM. STEWART, [L.S.]
W. H. CHISHOLM, [L.S.]

Signed, sealed and delivered in presence of J. L. McDOUGALL.

Personally appeared before the subscriber, John L. McDougall, witness to the foregoing indenture, who maketh oath and saith that he was present and saw the parties to the said indenture sign, seal and execute the same in his presence.

(Signed) A. N. C. WILLS,
Justice of the Peace in and for the Co. of Cumberland.

PUGWASH, N.S., 30th July, 1883.

CUMBERLAND, SS.

REGISTRY OF DEEDS OFFICE,

AMHERST, 4th March, 1885.

I certify that the foregoing is a correct copy of indenture between the North American Construction Company of the first part, the Great American Construction Company of the second part, and William Stewart and W. H. Chisholm of the third part, as the same is registered in this office in book No. 8, pages 78, 79 and 80, on the 31st day of July, 1883, at 3 o'clock p.m.

(Signed) JAS. E. PURDY,

Registrar.

Report of the Hon. the Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 8th August, 1886.

To His Excellency the Administrator of the Government in Council:

The undersigned has the honor to submit his Report on the Acts of the General Assembly of Nova Scotia, passed in the Session held in the year 1885.

1. Having carefully considered the Acts mentioned in the annexed schedule, the undersigned recommends that they be left to their operation.

2. By Chap. 1, intituled: "An Act respecting the fifth series of the Revised Statutes," the Revised Statutes of Nova Scotia, fifth series, with certain amendments are confirmed and declared to be legal and valid.

With respect to the laws contained in this volume (Revised Statutes of Nova Scotia, fifth series,) which constitute but one chapter, the undersigned desires to observe:

(1.) Section 19 and the following sections of Chapter 3, "Of the composition, powers and privileges of the Houses," are a consolidation of 39 Vic. (1876), Chap. 22, to which Mr. Blake, then Minister of Justice, directed attention in his report of the 13th November, 1876. It was pointed out in that report and the subsequent correspondence that similar Acts passed by the Legislatures of Ontario and Quebec had been disallowed, and the attention of the Lieutenant Governor of Nova Scotia was called to the Act with a view of its being repealed before the time for disallowance had expired. The Act was not repealed by the Legislature of Nova Scotia, and the time within which it could have been disallowed expired without any action being taken by the Governor General in Council.

It is also to be observed that a similar Act, passed by the Legislature of Manitoba, was disallowed in September, 1874, and that in 1875 the Legislature of British Columbia repealed a similar Act, passed in 1872, to avoid the necessity of its disallowance. The Act of the Legislature of Ontario referred to was disallowed after the Law Officers of England had expressed the opinion that it was *ultra vires.*

Under these circumstances, the undersigned would not hesitate to recommend the disallowance of this chapter if it constituted an Act in itself, but as it is only a portion of an important Act, embodying substantially the whole of the public law of the Province, which is within the authority of the Legislature, a grave difficulty is presented.

It could be urged that the Legislature has had ample notice, and that it would fairly be responsible for the embarrassment and inconveniences which would no doubt be occasioned by the disallowance of the Act validating the Revised Statutes.

As, however, the public inconvenience arising from disallowance would be very great, the undersigned, not without some doubt as to the propriety of such a course, refrains from recommending such disallowance, but recommends that the attention of the Lieutenant Governor of Nova Scotia be again called to the matter, with a view to the repeal of the objectionable provisions.

(2.) Sections 94 and 96 of Chap. 4, "Of the elections of members of the House of Assembly," purport to deal with the offences of forgery and perjury respectively, and especially in the case of Section 96, appear to be clearly beyond the powers of the Legislature.

(3.) The 65th Section of Chap. 29, "Of Public Instruction," provides for the punishment by fine and imprisonment, at the discretion of the Court, of any person making a false declaration of the right to vote at a school meeting, the offence being perjury by the Statute of Canada, 32-33 Vic., Chap. 23.

(4.) The first section of Chap. 51 "Of Bridges and Public Landings," purports to give the Municipal Council control over all public landings and draw-bridges within the municipality.

This provision would, doubtless, be construed as meaning such public wharves, landings and draw-bridges as were within the authority of the Legislature, but as it appears to apply to all structures of the kind named, and as many of these are not within the authority of the Legislature, it would seem desirable that the language of the section should be more restricted, so as not to be misleading.

(5.) Chapter 53, "Of Railways," is an adaptation of the Consolidated Railway Act of Canada.

By inadvertence the 28th section contains the word "Dominion" instead of the word "Province."

(6.) Chapter 69 contains the law of the Province on the subject of the conveying of timber and lumber on rivers, and the removal of obstructions therefrom. The question has been raised as to whether or not legislation such as this by a Province is free from objection. It was mooted in the report on Chap. 6 of the Acts of 1870, Nova Scotia, and discussed in the report on Chapters 89, 90, 91 and 92 of the Acts of 1875 of the same Province.

In the absence of any decision that the Legislature has in this respect exceeded its powers, the undersigned does not deem it necessary to make any recommendation in respect to this Chapter.

(7.) Some of the provisions of Chap. 23, "Of the regulations and inspection of Provisions, Lumber, Fuel and other Merchandise," are, the undersigned thinks, legislation respecting "trade and commerce." In the revision of 1873, these provisions were published in the appendix of Legislation upon matters wholly or partially within the jurisdiction of the Parliament of Canada or of doubtful jurisdiction. An amendment to the law on this subject, made by the Legislature in 1880 (43 Vic., Cap. 9) was questioned as being a regulation of trade and commerce.

(8.) The 41st section of Chap. 75, "Of licenses for the sale of intoxicating Liquors," prescribes a penalty of not less than twenty dollars for the offence of bribing or attempting to bribe, intimidating or attempting to intimidate a witness with a view to hinder him from giving testimony as to any violation of the Chapter, this offence is a misdemeanor at Common Law.

(9.) The provisions of Sections 31 and 32 of Chap. 76, "Of the preservation of useful Birds and Animals," which prohibit the export of moose and cariboo hides, are similar to enactments which have been questioned as effecting "trade and commerce."

(10.) In Chap. 79, "Of Joint Stock Companies," the attempt in the 38th section to make the offence therein defined a misdemeanor, is open to grave question.

The 85th and 87th sections are subject to the same remark.

(11.) Chap. 86, "Of the Property and Civil Rights of Aliens," deals with a subject assigned exclusively to the Parliament of Canada, and in respect of which Parliament has legislated. The Chapter, the undersigned thinks, should be repealed.

(12.) Chap. 104, "Of the Supreme Court and the procedure therein," contains provisions respecting the qualification, office and precedence of the Judges of that Court, which has been questioned in former reports on Legislation. The same remark applies to the qualification of County Judges, Chap. 105, Sec. 3. The question is not one of much practical importance, and may fairly be left in abeyance.

(13.) Sections 16 and 17 of Chap. 107, "Of Witnesses and Evidence," appear to some extent to trench upon procedure in criminal cases, in so far as they extend to cases of assault and to criminal proceedings.

(14.) In his report of the 27th July, 1881, the Minister of Justice took exception to the provisions of Sec. 14, Chap. 11 of the Acts of 1880, which purport to authorize barristers of the Supreme Court of Nova Scotia to act as advocates and proctors in the Vice-Admiralty Court of that Province. The provision is repeated in Section 21 of Chap. 108, "Of Barristers and Attorneys."

(15.) By Chap. 110, "Of Petition of Right," the Supreme Court of Nova Scotia is authorized to take cognizance of any matter under the Act passed by the Parliament of Canada during its Session in the year 1875, intituled: "An Act to provide for the institution of suits against the Crown by Petition of Right and respecting procedure in Crown suits," and to administer the rights of such Act conferred, in accordance with the procedure therein defined. The Act of which this Chapter is a consolidation was passed in 1875, when the Act of Canada referred to was in force. The latter Act was, however, repealed in 1876, a fact that apparently has been overlooked.

(16.) Chap. 118, "Of the relief of Indigent Debtors confined in Jail," contains certain provisions which have provoked some discussion. The undersigned concurs in the views expressed by his predecessor in his report of 26th March, 1885.

The undersigned recommends that the attention of the Lieutenant Governor of Nova Scotia be called to the several provisions of the Revised Statutes, which have been referred to, with a view that the same may have the consideration of his Government and the Legislature of Nova Scotia, and that such amendments as are necessary may be made.

3. Mrs. Maria Kearney, by her solicitor, Mr. T. J. Wallace, has prayed Your Excellency to disallow the following Acts:—

Chap. 23, intituled: "An Act to enable the Government of Nova Scotia to appropriate lands for public purposes; and

Chap. 31, intituled: "An Act to confirm sales of land under order of Supreme or Equity Courts."

As these Acts are, in the opinion of the undersigned, within the authority of the Legislature, and as the litigation with which it was alleged they would interfere has, apart therefrom, been decided by the Supreme Court of Canada adversely to the petitioner, the undersigned, referring to the correspondence which is submitted herewith, recommends that the power of disallowance be not exercised as prayed for.

4. Mr. Norwin Green, of the City of New York, President of the Montreal and European Short Line Railway Company, has prayed Your Excellency to disallow Chap. 39, intituled: "An Act to confirm and give effect to an Indenture bearing date the 27th day of July, 1883, and purporting to be made between the North American Construction Company of the first part, the Great American and European Short Line Railway Company of the second part, and William Stewart and W. H. Chisholm of the third part, and also purporting to be executed for the said company by Charles L. Snow."

The undersigned having carefully considered this Act, and being of opinion that it is within the authority of the Legislature of Nova Scotia, and not objectionable on any ground of public interest or convenience, recommends that it be left to its operation.

This is not the place for a discussion of the question at issue between the Government of Canada and the Montreal and European Short Line Railway Company, yet the undersigned deems it proper in submitting Mr. Green's petition to put on record that Your Excellency's Government does not acquiesce in his statement of the facts of the case.

The undersigned respectfully recommends that the substance of this report, if approved, be communicated to the Lieutenant Governor of Nova Scotia, and that he be informed that it is not the intention of Your Excellency to exercise the power of

disallowance in respect of any of the Acts passed by the Legislature of that Province in the Session of 1885.

All of which is respectfully submitted.

(Signed) JNO. S. D. THOMPSON,
Minister of Justice.

SCHEDULE.

Cap. 2. An Act to extend the Electoral Franchise, and to amend Chapter 4 of the Revised Statutes, Fifth Series, "Of the Election of Members of the House of Assembly."

Cap. 3. An Act to amend Chapter 7 of the Revised Statutes, Fifth Series, "Of Mines and Minerals"

Cap. 4. An Act to amend Chapter 7 of the Revised Statutes, Fifth Series, "Of Mines and Minerals."

Cap. 5. An Act to amend Chapter 7 of the Revised Statutes, Fifth Series, "Of Mines and Minerals."

Cap. 6. An Act to amend Chapter 8 of the Revised Statutes, Fifth Series, "Of the Regulations of Mines."

Cap. 7. An Act to amend Chapter 9 of the Revised Statutes, Fifth Series, "O Crown Lands."

Cap. 8. An Act to amend the Law relating to Crown Lands.

Cap. 9. An Act to amend Chapter 26 of the Revised Statutes, "Of Boards of Health and Infectious Diseases."

Cap. 10. An Act to amend Chapter 29 of the Revised Statutes, Fifth Series, "Of Public Instruction."

Cap. 11. An Act to encourage Academic Education."

Cap. 12. An Act to amend Chapter 39 of the Revised Statutes, "Of the encouragement of Agriculture."

Cap. 13. An Act to amend Chapter 56 of the Revised Statutes, Fifth Series, "Of County Incorporations."

Cap. 14 An Act to amend Chapter 56 of the Revised Statutes, Fifth Series, "Of County Incorporations."

Cap. 15. An Act to amend Chapter 58 of the Revised Statutes, Fifth Series, "Of Municipal Assessments."

Cap. 16. An Act to amend Chapter 58 of the Revised Statutes, Fifth Series, "Of Municipal Assessments."

Cap. 17. An Act to amend the Chapter of the Revised Statutes, "Of loss of life by fire and for the establishment of a system of fire escapes."

Cap. 18. An Act to amend Chapter 79 of the Revised Statutes, "Of Joint Stock Companies."

Cap. 19. An Act to amend Chapter 100 of the Revised Statutes, "Of the Probate Court and the Procedure therein."

Cap. 20. An Act to amend Chapter 108 of the Revised Statutes, "Of Barristers and Attorneys."

Cap. 21. An Act to extend the provisions of Chapter 118 of the Revised Statutes, "Of the relief of Indigent Debtors."

Cap. 22. An Act to encourage Agricultural Education.

Cap. 24. An Act respecting the claim of Messrs. Baring Brothers & Co.

Cap. 25. An Act to amend the Act respecting Bridges.

Cap. 26. An Act to authorize the payment of expenditure on certain Bridges.

Cap. 27. An Act respecting certain Bridges.

Cap. 28. An Act to facilitate the collection of debts due to the Board of Commissioners of Public Charities.

Cap. 29. An Act respecting the Provincial Hospital for the Insane.

Cap. 30. An Act respecting the Judge Ordinary of the Court for Divorce and Matrimonial Causes.

Cap. 32. An Act to enable Executors and Administrators to release Mortgages and to make Assignments thereof.

Cap. 33. An Act to make valid powers and contingent uses created under Bargain and Sale.

Cap. 34. An Act relating to exemption from seizure under Writs of Execution.

Cap. 35. An Act to amend Chapter 12 of the Acts of 1884, "Of the separate property and rights of property of Married Women"

Cap. 36. An Act to provide for the appointment of a Taxing Master.

Cap. 37. An Act to legalize Jury lists and Panels, and Assessment Rolls and Revisers' Lists for the present year.

Cap. 38. An Act further to amend the Acts relating to the Nova Scotia, Nictaux and Atlantic Central Railway.

Cap. 40. An Act to authorize the Payment of a certain Annuity.

Cap. 41. An Act to provide for defraying certain expenses of the Civil Government of this Province.

LOCAL ACTS.

Cap. 42. An Act to amend Chapter 81 of the Acts of 1864, entitled: "An Act concerning the City of Halifax," and Acts in amendment thereof.

Cap. 43. An Act to amend Chapter 81 of the Acts of 1864, entitled: "An Act concerning the City of Halifax," and Acts in amendment thereof.

Cap. 44. An Act to authorize a Loan for the City of Halifax.

Cap. 45. An Act to authorize a Loan for repairing the Grand Parade in the City of Halifax.

Cap. 46. An Act to enable the City of Halifax to borrow Money for the construction of Sewers.

Cap. 47. An Act in relation to the Sinking Fund of the City of Halifax.

Cap. 48. An Act to enable the City of Halifax to pay off certain overdue Amounts.

Cap. 49. An Act in relation to the Water Rates of the City of Halifax.

Cap. 50. An Act to enable the City of Halifax to carry out an agreement made with the Nova Scotia Cotton Manufacturing Company.

Cap. 51. An Act to amend Chapter 39 of the Acts of 1877, entitled: "An Act for the establishment of a High School, and for other educational purposes in the City of Halifax."

Cap. 52. An Act to incorporate a Steam Ferry Company (Limited) between Halifax and Dartmouth.

Cap. 53. An Act to provide for an additional District for Electoral and Municipal purposes, in the County of Halifax.

Cap. 54. An Act to enable the Municipality of Antigonish to assess for Railway damages.

Cap. 55. An Act to incorporate the Trustees of Zion Baptist Church, Upper Aylesford.

Cap. 56. An Act to provide for the erection of a lock-up at Canso.

Cap. 57. An Act to authorize the Municipality of Cape Breton to guarantee interest on certain Mortgage Bonds, and to assess the Municipality for the annual payment of the interest guaranteed thereon.

Cap. 58. An Act to enable the Municipality of Cape Breton to assess for certain sums due N. E. Mackay.

Cap. 59. An Act securing to the Baptist Church of Chester the benefit of Chapter 69 of the Act of 1878, entitled: "An Act to securing to the Baptist Church of Nova Scotia the benefit of Incorporation.

Cap. 60. An Act to amend Chapter 51 of the Acts of 1874, entitled: "An Act relating to the Chester Common."

Cap. 61. An Act to enable the Municipality of Colchester to borrow Money to build a Registry Office.

Cap. 62. An Act to authorize the sale of the old Presbyterian Church at Tatamagouche Mountain, in the County of Colchester.

Cap. 63. An Act to authorize the Trustees of the Town Hall, Tatamagouche, County of Colchester, to sell the same.

Cap. 64. An Act to amend the Act to facilitate the division and management of property by certain Presbyterian Churches and Congregations in Cornwallis.

Cap. 65. An Act to divide Polling District No. Six in the County of Cumberland.

Cap. 66. An Act to incorporate the Trustees of River Hebert Baptist Church, in the County of Cumberland.

Cap. 67. An Act to enable the Municipal Council of Guysboro' to make certain Appropriations for the Support of the Poor within said Municipality.

Cap. 68. An Act to enable the Municipality of Guysboro' to borrow Money to construct a Road.

Cap. 69. An Act to enable the Municipality of Guysboro' to borrow Money to defray existing Claims.

Cap. 70. An Act to change the name of a Settlement in the County of Inverness.

Cap. 71. An Act to change the name of a Settlement in the County of Inverness.

Cap. 73. An Act to incorporate the Trustees of the Baptist Church, Onslow.

Cap. 74. An Act to amend the Act to incorporate the Town of Pictou and the Acts in amendment thereof.

Cap. 75. An Act to add a Polling District in the Municipality of Pictou.

Cap. 76. An Act to change the name of a Settlement in Pictou County.

Cap. 77. An Act to enable the Municipal Council of the Municipality of Pictou to assess the Police District of Stellarton.

Cap. 78. An Act to incorporate the Abercrombie Cemetery Company.

Cap. 79. An Act to incorporate the Gladstone Cemetery Company.

Cap. 80. An Act to incorporate the Trustees of River Bank Cemetery, in the County of Pictou.

Cap. 81. An Act to incorporate the Synod of the Presbyterian Church in Nova Scotia, in connection with the Church of Scotland.

Cap. 82. An Act to enable the Municipality of Richmond to borrow Money.

Cap. 83. An Act to legalize the proceedings at the Annual Meeting of School Section No. 4, in the County of Richmond.

Cap. 84. An Act to amend the Act to enable the Municipality of Shelburne to borrow Money.

Cap. 85. An Act to enable the Municipality of Shelburne to borrow Money.

Cap. 88. An Act to amend the County Incorporation Act, 1879, so far as regards the County of Victoria.

Cap. 89. An Act to provide for the erection of the Railway Station at Middleton.

Cap. 90. An Act relating to Commissioners of Streets in the Town of Yarmouth.

Cap. 91. An Act relating to the Appointment of Police Constables and Night Watchmen, and assessments for Police and other purposes in the Town of Yarmouth.

Cap 92. An Act to enable the Municipal Council of the Municipality of Yarmouth to provide for a Supply of Water for Fire Purposes in said Town.

Cap. 93. An Act to amend Chapter 17 of the Acts of 1884, and Chapter 63 of the Revised Statutes, Fifth Series, "Of Fires and Firewards."

PRIVATE ACTS.

Cap. 94. An Act to incorporate the Amherst Waterworks Company (Limited).

Cap. 95. An Act to incorporate the Barrington Telephone Company (Limited).

Cap. 96. An Act to incorporate the Bridgetown Foundry Company (Limited).

Cap. 97. An Act to incorporate the Cape Breton and Pictou Iron Company (Limited).

Cap. 98. An Act to further amend the Act incorporating the Chebucto Marine Railway Company.

Cap. 99. An Act to amend Chapter 61 of the Acts of 1882, entitled: "An Act to incorporate the Eastern Development Company" (Limited) and the Acts in amendment thereof.

Cap. 100. An Act to amend Chapter 57 of the Acts of 1880, to incorporate the Church of England Temperance Society.

Cap. 101. An Act to amend the Act to incorporate the Gates Organ and Piano Company (Limited).

Cap. 102. An Act relating to Park Street Church, Halifax.

Cap. 103. An Act to incorporate the Logan Tanning Company (Limited).

Cap. 104. An Act to incorporate the Londonderry Iron and Steel Company (Limited).

Cap. 105. An Act to incorporate the Methodist Camp Meeting Association of Nova Scotia.

Cap. 106. An Act to extend Chapter 68 of the Acts of 1882, respecting the Nictaux Iron and Steel Company (Limited).

Cap. 107. An Act to incorporate Eureka Lodge No. 15, Independent Order of Oddfellows.

Cap. 108. An Act to incorporate Ivanhoe Lodge, No. 44, Independent Order of Oddfellows.

Cap. 109. An Act to incorporate the Parrsboro' Shore Telephone Company (Limited).

Cap. 110. An Act to incorporate the Pictou Gas Light Company (Limited).

Cap. 111. An Act to incorporate the Pictou Rink Company.

Cap. 112. An Act to incorporate the Pioneer Co operative Company (Limited).

Cap. 113. An Act to incorporate the Salt Spring Coal Company (Limited).

Cap. 114. An Act to incorporate the South Union Co-operative Company Cape Sable Island, in the County of Shelburne.

Cap. 115. An Act to incorporate the Spring Hill Water Company (Limited).

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Administrator of the Government in Council on the 27th August*, 1886.

The Committee of the Privy Council have had before them a Report, dated 9th August, 1886, from the Minister of Justice, with respect to the Acts passed by the Legislature of the Province of Nova Scotia in the Session held in the year 1886.

The Committee advise on the recommendation of the Minister of Justice that the power of disallowance be not exercised with respect to any of the said Acts, numbered from 1 to 115 inclusive.

The Committee further advise that a despatch be forwarded by the Secretary of State to the Lieutenant Governor of Nova Scotia directing his attention to the observations in the Report upon several of the said Acts.

All which is respectfully submitted for Your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk Privy Council.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, HALIFAX, N. S., 27th January, 1887.

SIR,—In accordance with a Minute of Council, of which I enclose a certified copy, I have the honor to transmit a copy of the Report of the Attorney General of this

Province *in re* the disallowance of Provincial Statutes of Nova Scotia, fifth series, and the objections thereto.

I have, &c.,

(Signed) M. H. RICHEY,

Lieutenant Governor.

The Honorable
The Secretary of State for Canada, Ottawa.

COPY *of a Report of the Attorney General of Nova Scotia, approved by His Honor the Lieutenant Governor on the 30th day of November, A.D.* 1886.

Re disallowance of Provincial Statutes of Nova Scotia, Fifth Series, and objections thereto:

The undersigned has had under special consideration the despatch of the Honorable the Secretary of State for Canada to His Honor the Lieutenant Governor, dated 10th September, 1886, relating to the fifth and last series of the Revised Statutes of Nova Scotia, and begs to submit as follows, touching the several points therein raised:

1. Exception is taken to Sections 19 *et sequitur* of Chapter 3 "Of the Composition, Powers and Privileges of the House." The substance of the sections objected to is that members of the Legislative Council and Committees thereof, shall hold, exercise and enjoy such and like privileges, immunities and powers as shall for the time being be held, enjoyed and exercised by the Senate of the Dominion of Canada, and in a corresponding manner the members and committees of the House of Assembly are to hold, enjoy and exercise the same privileges, immunities and powers as shall for the time being be held, enjoyed and exercised by the House of Commons of Canada.

The undersigned is aware that exception has been taken to this enactment by successive Ministers of Justice of Canada, and that a similar provision enacted by the Legislatures of Ontario and Quebec respectively was disallowed. The reports of the several Ministers of Justice on this subject have been carefully perused and duly considered, but in none of them, it is submitted, are the reasons for the unconstitutionality of said provision clearly and convincingly stated. The first report upon the subject is that by Sir John A. Macdonald, Minister of Justice, dated 14th July, 1869, regarding the Ontario Act defining the privileges, &c., of the Legislative Assembly. This was given after the opinion of the Law Officers of the Crown in England had been obtained, as their opinion is dated 4th of May, 1869. Some reasons are given by the Minister of Justice in his report for the disallowance of the clause now objected to in the Nova Scotia Act, the chief being that Section 18 of the British North America Act confers on the Senate and House of Commons of Canada the authority to confer on its members privileges, immunities, and powers co-extensive with those enjoyed and exercised by the Commons of the United Kingdom. It is assumed by the Minister that the power to pass an Act defining these powers, &c., was conferred upon the Parliament of Canada on the ground that without such a provision the Parliament of Canada could not have passed such an Act. With the greatest deference, the undersigned cannot unreservedly accept this doctrine. The right of conferring privileges, powers and immunities upon the members and committees of any independent Legislature under the British form of Government should be regarded rather as inherent, and Section 18 of the British North America Act in that light would be regarded rather as a limitation than a conferring of power.

The whole question was elaborately discussed by the late Hon. J. Sandfield Macdonald, the then Attorney General of Ontario, in a report of the date September 1st, 1869, and the reasoning contained in that able report the undersigned takes

the liberty of averring has never yet been successfully overthrown by any subsequent report or opinion from the Department of Justice at Ottawa. Regarding the opinion of the Law Officers of the Crown in England it is submitted that this was given without hearing the other side, or without having presented to their consideration many powerful reasons which might have been easily adduced in favor of the enactment complained of.

Nevertheless the undersigned would not desire to recommend adhesion to any enactment by the Legislature of this Province at variance with the constitution of the country; but before advising the repeal of the clauses complained of in the despatch of the Honorable the Secretary of State, would seek for further and more cogent reasons for pronouncing it unconstitutional. It seems, in the opinion of the undersigned, to be an open question, susceptible of argument on both sides. Might not the point, which is one of importance—inasmuch as it seems to involve the right of the Provincial Legislatures to confer any powers and immunities upon its members—be submitted for final adjudication to the Supreme Court of Canada?

The undersigned has reached the conclusion with respect to the Sections 19 and 20 of Chapter 3, to use the words of the Hon. J, Sandfield Macdonald, that they are "not liable to the exceptions which have been taken to them, and that sufficient consideration has not, in his humble opinion, been given to the important distinction between powers claimed by the authority of a Statute, and powers claimed as belonging inherently to a Legislative body."

2. Exception is taken to Sections 94 and 96 of Chapter 4, "Of election of Members of the House of Assembly."

The undersigned is of the opinion that Section 96 is a useless and superfluous provision, and might with propriety be eliminated from the Chapter. It seems, however, not to have been objected to at the time of its enactment, and while it confers no advantage, its retention can never result in any confusion.

3. Exception is likewise taken to Section 65 of Chapter 29, "Of Public Instruction," inasmuch as it provides for the punishment by fine and imprisonment, at the discretion of the Court, of any person making a false declaration of the right to vote at a school meeting, the offence being perjury by Statutes of Canada, 32-33 Vic., Chapter 23. In the opinion of the undersigned it is by no means clear that the offence defined amounts to perjury within the meaning of the Canadian Statutes referred to. No oath is prescribed and no form of declaration which the Statutes of Canada declare to carry the penalties of perjury when false. It seems rather in the nature of a fraudulent misrepresentation of fact, for which a reasonable and adequate punishment is attached; even if the making of such a declaration as aforesaid would be held to amount to perjury within the meaning of 32 Vic., Chapter 23, still there is nothing in the section objected to which overrides or attempts to override the exercise of the Criminal Statute. The option is left to proceed in another form; still it is admitted that if the declaration when false is clearly corrupt perjury within the meaning of the Canadian Statute, then the penalty ought not to be in the section. But, as at present advised the undersigned submits that the declaration when false does not amount to perjury within the meaning of the Canadian Statute, nor under the terms of the Common Law, and therefore the penalty is one which the Legislature may legally impose.

4. It is recommended that the suggestion contained in the despatch of the Honorable Secretary of State touching Section 1 of Chapter 51, "Of Bridges and Public Landings" be adopted, and that the Legislature be asked to amend the chapter so as to limit the authority of the municipalities to the structures which are within the authority of the Legislature.

5. The error in Section 28 of Chapter 53, "Of Railways" was a pure inadvertence and should be rectified.

6. Exception is taken to Chapter 69, "Of the conveying of Timber and Lumber on Rivers, and the removal of obstructions therefrom," though no recommendation is made by His Excellency the Administrator of Government. Such being the case it is not necessary to say more than that in the opinion of the undersigned the pro-

visions of the chapter in question are strictly within the authority of the Legislature.

7. It is admitted that the chapter relating to the inspection of provisions, lumber, fuel and other merchandise deals with subjects exclusively belonging to the Federal Parliament. It was left in the appendix of the Revised Statutes, fourth series, for that reason. In respect to the particular matters embraced in the Act the Parliament of Canada has not, as the undersigned is advised, dealt with them, nor has there been any Act repealing the sections now embodied in the chapter under consideration. As a consequence the provisions of said chapter are still in force in Nova Scotia. For this reason it was deemed proper that the Act should appear in the body of the Statutes, until it was actually superseded and repealed by the Federal Parliament.

8. Chapter 75, "Of Licenses for the sale of Intoxicating Liquors," has been repealed by the Legislature of Nova Scotia since the promulgation of the fifth series of the Revised Statutes, and therefore it is not necessary to deal with the objections raised in respect to it.

9 and 10. No comment or remark is needed in respect to the observations in the despatch of the Honorable the Secretary of State in Paragraphs 9 and 10.

11. Exception is taken to Chapter 86, "Of the Property and Civil Rights of aliens," on the ground that this is a matter within the sole jurisdiction of the Federal Parliament. Under the B.N.A. Act, Section 91, it is laid down that among the matters exclusively under the control of the Parliament of Canada should be "naturalization and aliens." But it is not clear that this exclusive jurisdiction extends to the control of their property and civil rights in the several Provinces. The chapter in question has never, as the undersigned is advised, been distinctly repealed or sought to be repealed by the Federal Parliament, and the undersigned regrets that he is unable to concur in the suggestion that Chapter 86 should be repealed by the Legislature of this Province.

12, 13 and 14. No remarks are considered necessary in respect of the observations in paragraphs 12, 13 and 14.

15. Chapter 110 is no longer of any value, for the reasons stated in the despatch of the Honorable the Secretary of State, and might properly be expunged from the Statutes.

16. The undersigned has before him the report of 26th March, 1886, touching the matter "Of the relief of Insolvent Debtors in Jail," and has nothing to remark thereon except that in his opinion great inconvenience would result if the power to give relief to imprisoned debtors were found to be *ultra virzs* of the Provincial Legislatures. Nor indeed does there seem to be any sound reason for so holding, so far as mere liberation from jail is concerned.

All of which is respectfully submitted.

(Signed) J. W. LONGLEY.

November 16th, 1886.

COPY *of an Order in Council passed at Halifax on the* 17*th day of December*, 1886, *and approved by His Honor the Lieutenant Governor.*

The Attorney General submits a Report dated 16th November, on the despatch of the Secretary of State, dated Ottawa, 10th September, 1886, relating to the Fifth Series of the Revised Statutes. It is recommended that the said Report be approved and that His Honor the Lieutenant Governor forward a copy of the same to the Secretary of State at Ottawa.

I certify the foregoing to be a true and correct copy of a Minute of Council passed and approved as aforesaid.

(Signed) H. CROSSKILL,

Deputy Provincial Secretary.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF STATE, OTTAWA, 1st February, 1887.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 27th ult., No 8, transmitting a copy of the report of the Attorney General of Nova Scotia *re* the disallowance of the Provincial Statutes of Nova Scotia, fifth series, and the objections thereto.

I have &c.,
(Signed) G. POWELL,
Under Secretary of State.

To His Honor
The Lieutenant Governor of Nova Scotia,
Halifax, N.S.

Report of the Hon. the Minister of Justice upon Chapter 3, Revised Statutes of Nova Scotia, 5th Series.

DEPARTMENT OF JUSTICE, OTTAWA, 30th March, 1887.

To His Excellency the Governor General in Council:

The undersigned has the honor to report that it appears from the despatch of the Lieutenant Governor of Nova Scotia, and its enclosures that his Government is reluctant to adopt the suggestions made by the undersigned in his report of the 9th October last, that certain sections of Chapter 3 of the Revised Statutes of Nova Scotia, 1886, 5th series, should be repealed, because they purport to confer powers on members of the Provincial Legislature which it is beyond the competence of that Legislature to confer. The reason for such reluctance appears to be that the Attorney General of the Province has reported to His Honor that "the reason for the unconstitutionality of such provisions have never, in his opinion, been clearly and convincingly stated, and that in his opinion the right of conferring privileges, powers, and immunities upon the members and committees of any independent Legislature under the British form of Government should be regarded rather as inherent."

The Attorney General of Nova Scotia adheres to the views expressed in relation to a similiar statute by the Honorable John S. Macdonald, in a report dated 1st September, 1869, and dissents from those put forward by the Law Officers of England, regarding that Statute in their opinion, dated 4th May, 1869, and by Sir John A. Macdonald, then Minister of Justice, in his report thereon, dated the 14th July, 1869, and by the Honorable Edward Blake, then Minister of Justice, in his report on the Nova Scotia Statute (of which the one in question is a copy) dated the 13th November, 1876, and by the undersigned in his report of the 9th August last.

The Attorney General also indicates a wish, before advising the repeal of the clauses complained of, for further and more cogent reasons for pronouncing it unconstitutional.

With a view to obtaining such, he asks whether the point might not be submitted for final adjudication to the Supreme Court of Canada?

The time within which disallowance of the Statute in question might be made has expired, and the undersigned did not advise the exercise of the power in this instance for the reason stated in his report of the 9th August last, that the objectionable provisions are but part of one of the chapters of the Revised Statutes of Nova Scotia, and that great public inconvenience might result from the disallowance of an Act embodying, as it did, nearly all the public law of the Province, and bringing into force the Revised Statutes.

The undersigned is, however, unable to advise that the question as to the power of the Legislature to make such enactments as those in question should be submitted to the Supreme Court.

Such a course, he thinks, should only be adopted when greater urgency exists for a decision of the point in dispute, and when greater doubt attaches to the objections to the enactments than can be said to exist now after the series of concurrent opinions which had been pronounced regarding such provisions, and after the full and repeated judicial examination which has been given to the point taken by Mr. John S. Macdonald and relied on by the Attorney General of Nova Scotia.

The reasons given by the undersigned against the exercise of the power of disallowance apply equally to other provisions of the Revised Statutes of Nova Scotia, to which attention was called in his report of the 9th August last, but in respect of which it seems that His Honor's Government does not feel disposed to adopt the suggestions contained in said report.

(Signed) J. S. D. THOMPSON,
Minister of Justice.

CERTIFIED COPY *of a Report of the Hon. the Privy Council, approved by His Excellency the Governor General on the 7th April,* 1887.

The Committee of Council have had under consideration a despatch, dated 27th January, 1887, from the Lieutenant Governor of the Province of Nova Scotia, transmitting a copy of a Minute of His Executive Council upon the question of the disallowance of Provincial Statutes of Nova Scotia, 5th series, and the objections thereto.

The Minister of Justice, to whom the said despatch and enclosures were referred, reports that it appears that the Government of Nova Scotia is reluctant to adopt the suggestions made in the Order in Council of the 27th August, 1886, that certain sections of Chap. 3 of the Revised Statutes of Nova Scotia, 5th series, should be repealed, because they purport to confer powers on members of the Provincial Legislatures, which it is beyond the competence of that Legislature to confer.

The reason for such reluctance appears to be that the Attorney General of the Province has reported that "the reasons for the unconstitutionality of such provisions have never, in his opinion, been clearly and convincingly stated, and that in his opinion, the right of conferring privileges, powers and immunities upon the members and committees of any independent Legislatures under the British form of government should be regarded rather as inherent."

The Attorney General of Nova Scotia adheres to the views expressed in relation to a similar Statute of Ontario by the Hon. John S. Macdonald, Attorney General of that Province, in a report dated 1st September, 1869, approved by the Lieutenant Governor in Council, on the 21st September, 1869, and dissents from those put forward by the Law Officers of England regarding that Statute in their opinion dated 4th May, 18 9, and by Sir John A Macdonald, then Minister of Justice, in his report thereon dated 14th July, 1869, and by the Hon. Edward Blake, formerly Minister of Justice, in his report on the Nova Scotia Scotia Statutes (of which the one in question is a copy) dated the 13th of November, 1876, and approved by the Governor in Council on the 16th November, 1876, and by the present Minister of Justice in his report of the 9th August, 1886, approved by the Governor in Council on the 27th August, 1886.

The Attorney General also indicates a wish, "before advising a repeal of the clauses complained of, for further and more cogent reasons for pronouncing it unconstitutional," and with a view of obtaining such, he asks whether the point might not be submitted for final adjudication to the Supreme Court of Canada.

The Minister observes that the time within which such disallowance of the question might be made has expired, and he did not advise the exercise of the power of disallowance in this instance for the reason in his above-mentioned report of the 9th August last, that the objectionable provisions are but part of one of the chapters of the Revised Statutes of Nova Scotia, and that great public inconvenience might

result from the disallowance of an Act embodying as it did nearly all the public law of the Province and bringing into force the Revised Statutes.

The Minister, however, cannot recommend that the question as to the power of the Legislature to make such enactments as those in question should be submitted to the Supreme Court. Such a course, he thinks, should only be adopted when greater urgency exists for a decision of the point in dispute and when greater doubt attaches to the enactments than can be said to exist now after the series of concurrent opinions which have been pronounced regarding such provisions, and after the full and repeated judicial examination which has been given to the points taken by the Hon. John S. Macdonald and relied on by the Attorney General of Nova Scotia.

The Minister further observes that the reasons given against the exercise of the power of disallowance apply equally to other provisions of the Revised Statutes of Nova Scotia to which attention was called in his Report of the 9th August last hereinbefore mentioned, but in respect of which the Government of Nova Scotia does not feel disposed to adopt the suggestions contained in said report.

The Committee concur in the foregoing Report of the Minister of Justice and submit the same for Your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk Privy Council.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 20th April, 1887.

SIR,—I have the honor to transmit to you, herewith, for the information of your Government, copy of an Order in Council, dated the 7th April, 1887, approving of a Report of the Honorable the Minister of Justice on the question of the disallowance of Provincial Statutes of Nova Scotia, fifth series, and the objections thereto.

I have, &c.,

(Signed) G. POWELL,
Under Secretary of State.

To His Honor
The Lieutenant Governor of Nova Scotia, Halifax N. S.,

NOVA SCOTIA, 49 VICTORIA, 1886.

4TH SESSION—28TH GENERAL ASSEMBLY.

Petition of Mr. E. W. Plunkett to His Excellency the Governor General re Chapter 1.

To His Excellency the Governor Genrral of Canada:

The petition of Edmund W. Plunkett, of Brockville, Ontario, civil engineer, respectfully submits:

That your petitioner represents the proprietors of a majority of the shares and "A" debenture stock of the Western Counties Railway Company of Nova Scotia;

That the Government of Nova Scotia recently, in a sudden and hurried manner, without notice to any of the parties interested, and without their consent, did introduce and have passed by the Legislature of Nova Scotia an Act. intituled:

Chapter 1. "An Act to authorize certain grants in aid of railways and to provide for the completion and consolidation of the railways between Halifax and Yarmouth;"

That said Act provides for the expropriation for puplic purposes of the property and rights of the Western Counties Railway Company, and for payment as compensation of about one-tenth of the present value of such property and rights, as can be abundantly proved to YourExcellency's satisfaction;

That the Government of Nova Scotia is thus arbitrarily expropriating the company's rights and property without consent, without even an ordinary arbitration to determine value, and without almost any compensation has grossly violated the principles of common honesty and justice, to say nothing of public policy;

Wherefore your petitioner humbly prays:

That Your Excellency will be pleased to suspend or cancel said Act in order that a great wrong may be prevented.

And your petitioner will ever pray.

(Signed) E. W. PLUNKETT.

Mr. Plunkett to the Hon. the Secretary of State.

QUEBEC, 26th July, 1886.

SIR,—Enclosed I beg to hand you my petition, supplementary to former one on same subject (Chapter 1), giving further particulars and details as suggested by the Hon. the Minister of Justice.

Please file them together and oblige

Yours truly,
(Signed) E. W. PLUNKETT.

The Hon. J. A. CHAPLEAU,
Secretary of State, Ottawa.

Under Secretary of State to Mr. E. W. Plunkett.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 2nd July, 1886.

SIR,—I have the honor to acknowledge the receipt of your letter of the 26th inst., transmitting a petition supplementary to your former one relative to Western Counties Railway, and to state that the matter will receive consideration.

I have, &c.,
(Signed) G. POWELL,
Under Secretary of State.

To E. W. PLUNKETT, Esq., C.E.,
Care R. P. Cook, Esq., C.E., Brockville, Ont.

Supplementary Petition of Mr. Plunkett to His Excellency the Governor General re Chapter 1.

To His Excellency the Governor General:

The supplementary petition of Edmund Walter Plunkett, tly of Brockville, Engineer,—

Respectfully represents, in addition to and explanation of, his former petition for disallowance of an Act recently passed by the Legislature of Nova Scotia, Chapter 1, intituled: "An Act to authorize certain grants in and of railways, and to provide for the completion and consolidation of the railways between Halifax and Yarmouth;"

That there has been expended upon the Western Counties Railway, between Annapolis and Yarmouth, a distance of about 85 miles, the following amounts, exclusive of interest:

Paid up shares		$ 500,800
do	A debenture stock	726,500
do	B do do	325,000
do	Nova Scotia Government subsidy	680,000
do	County subsidies for land damages, &c	147,000
	Total	$2,378,300

That Mr. Edmund Wragge, C.E., a railway engineer of 20 years Canadian experience, of recognized ability and character, made a careful examination in 1882 of the Western Counties Railway property at the request of Sir Henry Tyler, president of the Grand Trunk Railway of Canada, who was then chairman of the Nova Scotia Railway Company; this was an English company lately formed to purchase, acquire and consolidate Nova Scotian lines. Mr. Wragge's estimate of the value of the Western Counties Railway Company's property to the consolidation system was £279,000 sterling, or in round figures $1,400,000. This sum did not include the value of the Western Counties Railway Company's interest in the Windsor Branch property transferred to it by 37 Victoria, Chapter 16, of the Dominion Parliament; but the value of the Western Counties Railway Company's claim to the Windsor Branch has recently been established by the Dominion Government who, in consideration of said company settling that claim and completing its line, have agreed to give a subsidy equivalent to the net earning of the branch until the company gets possession in 28 years. This subsidy capitalized is equal to $600,000;

That the value of the 67 miles of the Western Counties Railway in operation as determined and certified by Mr. Wragge is about $20,000 per mile and can be no less than when made up in 1882, as improvements have since been made;

That $20,000 per mile according to Mr. Wragge's certificate is well known to be a reasonable price for an ordinary railway in operation in Nova Scotia;

That according to the Act and agreement petitioned against, no larger sum than $7,500 per mile can be paid by the Province for the Western Counties Railway, its interest in the Windson Branch, its lands, assets and property generally;

That the commercial or dividend paying value, of a new, incomplete, undeveloped railway, disconnected from all other railways and cut off from interchange of traffic with them, does not form a fair or reasonable basis of purchase by a Government for public purposes; that nevertheless that basis has been greatly departed from by the provisions of the Act and agreement petitioned against; for the Premier of the Government of Nova Scotia from his place in the Legislature made on the 5th May, 1886, this statement:

"I believe these roads will earn more than $100,000 at no distance day." Here is the admission of the leader of the Government of a capital value at no distant day of $12,500 per mile, which he wants to appropriate for public purposes for $7,500 per mile;

That sub section *e* of clause 13, and sub section *d* of clause 31, of the agreement petitioned against, make the payment of a larger amount than $7,500 per mile for the Western Counties Railway Company's property impracticable under the legislation; and that said sum of $7,500 per mile provides only a distribution of five cents per dollar of principal and interest of the company's just mortgage debenture stock, secured on its interest in the Windsor Branch property;

That the power given the Nova Scotia Government, in clause 20 of the Act, to vest the properties and rights of the present company, by mere proclamation, and free of incumbrance, in another company, before payment or settlement has been effected, or secured, or the creditors paid, or the existing mortgages satisfied, is fatal to the rights of property and leaves the owner no resource, as he cannot sue the Government of Nova Scotia;

That the summary expropriation of property for Provincial purposes, at a valuation arbitrarily fixed by the Government or Legislation without reference to arbitration, court of assessment, or other lawful machinery for appraising value, is a violation of the indefeasible rights of property and constitutional usage;

Wherefore your petitioner prays that the Act, Chapter 1, intituled: "An Act to authorize certain grants in aid of railways and to provide for the completion and consolidation of the railways between Halifax and Yarmouth," passed by the Legislature of Nova Scotia at its last session, may be disallowed.

And your petitioner will ever pray.

(Signed) E. W. PLUNKETT.

QUEBEC, 26th July, 1886.

Mr. E. W. Plunkett to the Secretary of State.

QUEBEC, 3rd August, 1886.

SIR,—I only to-day obtained a copy of an Act passed by the Legislature of Nova Scotia, although application was made a long time ago for a copy.

I understand a local Act must be petitioned against within three months of its passage. I have, therefore, to request your prompt action in this matter, and now enclose petitions for disallowance.

Please notify the Nova Scotia Government immediately of the filing of this petition, so that the notice may be received in Halifax in time, and action under the Act prevented until His Excellency's decision is known.

Yours truly,
(Signed) E. W. PLUNKETT.

The Honorable J. A. CHAPLEAU,
Secretary of State, Ottawa.

Under Secretary of State to Mr. E. W. Plunkett.

DEPARTMENT OF SECRETARY OF STATE, OTTAWA, 5th August, 1886.

SIR,—I have the honor to acknowledge the receipt of your letter of the 3rd instant, on the subject of the disallowance of a certain Act (Chapter 1) of the Province of Nova Scotia, and to state that the matter will receive consideration.

I have, &c.,
(Signed) GRANT POWELL,
Under Secretary of State.

E. W. PLUNKETT, Esq.,
Quebec.

Mr. J. W. Bingay to the Secretary of State.

YARMOUTH, N. S., 11th August, 1886.

SIR,—I am instructed by the directors of the Western Counties Railway Company to forward you the enclosed viz.:

(1.) Letter of R. G. Elwes to Secretary W. C. R. Co., 26th June, 1886.

(2.) Directors' answer thereto.

(3.) Resolution of Directors respecting disallowance dated 10th August, 1886, and passed on that day.

These will, if necessary, be followed by a formal petition for disallowance and are intended to supplement the petition of E. W. Plunkett already filed in this matter.

While being willing to make an amicable arrangement, the company strenuously objects to any Act or Acts which expropriate their property without providing for adequate compensation and which were passed by the Legislature of Nova Scotia at the end of a long session and without notice to, or any opportunity for the company to oppose many various objectionable clauses, several of which, in the opinion of the Board, are beyond the power of the Local Legislature.

I have, &c.,

(Signed) JAS. WENT. BINGAY,
Secretary W. C. Ry. Co.

To Hon. J. A. CHAPLEAU,
Secretary of State, Ottawa.

Letter of Mr. Elwes to Secretary Western Counties Railway Company.

LORNE HOUSE, YARMOUTH, N.S., 26th June, 1886.

Consolidation of the Western Railways.

DEAR SIR,—Referring to my interview with your Board yesterday and to the negotiations which are in progress for the acquisition of your outstanding debenture stock, I now desire to ascertain from your Board whether, in the event of those negotiations resulting in an amicable settlement with the debenture stockholders, your directors will be prepared to recommend your company to assent to and join in the transfer of the undertaking of the company by the Government of Nova Scotia to the Halifax and Great Western Railway Company, under the powers claimed by the Government by virtue of the agreement 16th of August, 1879.

I have, &c.,

(Signed) R. GERVASE ELWES,
M. Inst. C. E.,
(on behalf of the Halifax and Great Western Railway Company.)

J. W. BINGAY, Esq.,
Secretary, Western Counties Railway Co.

Answer of Directors Western Counties Railway Company to Mr. Elwes.

Extracted from Minutes of Directors' meeting held 26th June, 1886. "That the following letter be sent to Mr. Elwes":—

YARMOUTH, N.S., 26th June, 1886.

SIR,—The directors have considered your letter of this date and have passed a resolution to the effect that in the event of the negotiations now in progress for the

acquisition by your company of the "A" debenture stock resulting in an amicable settlement with the holders before January, 1887, and the payment to the company in addition of the sum of five thousand dollars, the directors will be prepared to recommend the company to assent to and join in the transfer of the undertaking of the company by the Government of Nova Scotia to the Halifax and Great Western Railway Co., under the powers claimed by the Government by virtue of the agreement of 16th August, 1879. The directors wish to be understood that the above is made without prejudice to, or waiver of, any legal or equitable rights of the company or bondholders to resist any attempt, by the Government of Nova Scotia or others, to secure possession or control of the undertaking from the company without their consent.

I have, &c.,

(Signed) JAS. WENT. BINGAY,

Secy. W. C. Ry. Co.

R. G. ELWES, Esq., M. Inst. C.E.

(*Extracted from Minutes of Directors' Meeting held 10th August*, 1886.)

Resolved,—That the President and Secretary be instructed to petition His Excellency the Governor General to disallow the whole or such parts of the Acts of the Nova Scotia Legislature, 1886, Chaps. 1 and 16, as provide for the expropriation and acquisition by the Nova Scotia Government of the railways and property of the Western Counties Railway Company, and that the Hon. Secretary of State be notified that the Directors, while not objecting to the charter of the Halifax and Great Western Railway Company and the amicable acquisition by them of the property and securities, and having assented to negotiations between them or their agents and the debenture holders of the Western Counties Railway Company, and others for that purpose will resist any attempt on the part of the Government of Nova Scotia or other persons to acquire possession of any of the Company's property on the conditions contained in the Acts asked to be disallowed.

Under Secretary of State to Mr. J. W. Bingay.

DEPARTMENT OF STATE, OTTAWA, 25th September, 1886.

SIR,—I have the honor to acknowledge the receipt of your letter of the 11th ult. and its enclosures relative to certain Acts passed by the Legislature of Nova Scotia and affecting the Western Counties Railway, such letters and enclosures being intended to supplement the petition of Mr. E. W. Plunkett now under the consideration of the Government.

I regret that owing to inadvertence an earlier acknowledgment has not been sent you.

I have, &c.,

(Signed) H. J. MORGAN,

Acting Under Secretary of State.

J. W. BINGAY, Esq.,
Sec'y. Western Counties Ry. Co., Yarmouth, N.S.

Mr. J. J. Gormully to the Minister of Justice.

OTTAWA, 29th September, 1886.

Re Nova Scotia Act, Cap. 1, *of* 1886.

MY DEAR SIR,—I have the honor herewith to transmit a supplementary petition of Mr. E. W. Plunkett asking that the above Act may be disallowed for the reasons given therein and in his original petition, and I have the honor to request that you will bring the matter to His Excellency's notice.

I have, &c.,

(Signed) J. J. GORMULLY.

To The Honorable
The Minister of Justice, Ottawa.

Petition of Mr. E. W. Plunkett to His Excellency the Governor General, re Chapter 1.

To His Excellency The Governor General of Canada :

The supplementary petition of Edward W. Plunkett, of Brockville, Ontario, Civil Engineer, humbly showeth,—

That your Petitioner represents the proprietors of a majority of the shares and "A" Debenture stock of the Western Counties Railway Company of Nova Scotia.

That the Government of Nova Scotia, in a sudden and hurried manner, without notice to and without the knowledge of any of the persons interested and without their consent, introduced and procured to be passed by the Legislature of Nova Scotia, at the last session thereof, an Act, being Chapter 1 of the Acts of 1886, and intituled: "An Act to authorize certain grants in aid of Railways and to provide for the completion and consolidation of the Railways between Halifax and Yarmouth."

So soon as your Petitioner became aware of the said Act, your Petitioner presented an humble petition to your Excellency for the disallowance of the same. Your Petitioner is desirous that the present Petition should be read as supplementary to his said former Petition ;

In the said Act and the agreement made part of the same and made substantially between the Government of Nova Scotia of the one part and The Joint Stock Association, limited, of the other part, it is recited that the said Government possesses certain powers of disposing of the Western Counties Railway Company, and all its franchises (see section 12 of the Act, and the recital to said agreement).

The powers of disposition, if any such exist (which your Petitioner does not admit) possessed by said Government are powers to sell the said Railway said to be contained in a certain mortgage alleged to have been executed by the Western Counties Railway Company, but which your Petitioner is informed was never executed by said Railway Company.

By the said Act and agreement the said Government agree with the said Joint Stock Association, Limited, at the request of a certain Company in said Act and agreement mentioned, and to be organized by said Joint Stock Association, Limited, to put in force and exercise all statutory and other powers possessed or to be possessed by laid Government, and take all necessary steps so as to acquire and hand over to said sast mentioned Company, free of all cost, except necessary expenses of transfer, the entire rights, property and privileges of the Western Counties Railway Company (see section 20 of the said Act and sub-sections 4, 25 and 28 of the said agreement.)

Your Petitioner submits that the said agreement is contrary to equity and if carried out would be a gross breach of trust by the said Government; inasmuch as it requires the said Government to exercise the said powers of sale alleged to be possessed by said Government, not when the said Government deem proper so to do, but whenever requested so to do by the said Company to be organized as aforesaid ;

and inasmuch as it stipulates for the use of the said powers of sale for purposes collateral to and entirely different from those for which they were created, that is to say, for the purpose of enabling the said Government to acquire the Western Counties Railway and property and to hand it over as a gift to said Company to be organized, and not for the purpose of enabling the said Government to sell the said Western Counties Railway and its property in an open, fair and reasonable manner and so as to produce the highest possible price, as it is the plain and manifest duty of the said Government to do, if it should determine to exercise said powers of sale.

Your Petitioner submits that the said Act is contrary to all sound principles of legislation and ought to be disallowed.

Wherefore your Petitioner humbly prays that Your Excellency will be pleased to disallow the said Act.

And Your Petitioner will ever pray.

(Signed) E. W. PLUNKETT.

OTTAWA, 29th September, 1886.

Mr. J. J. Gormully to the Minister of Justice.

OTTAWA, 30th September, 1886.

DEAR SIR,—I am instructed by Mr. Plunkett to inform you that the statement which appears in the memorandum, dated the 27th day of August, A.D. 1886, circulated by R. Gervase Elwes, Esq., "that the promoters of the Nova Scotia Railway Company, of 1882, failed to float their scheme," is entirely untrue. On the contrary, Messrs. Baring Brothers, of London, acting for the promoters of that enterprise, deposited $250,000 with the Government of Nova Scotia, to be forfeited if the promoters failed. That money has since been returned to Messrs. Baring Brothers, on the ground that the Government of Nova Scotia had not performed its part of the bargain.

As soon as Mr. Elwes returns to Ottawa, I have been instructed to call upon him to withdraw this statement, and in default thereof to commence an action against him.

I have, &c.,

(Signed) J. J. GORMULLY.

To the Honorable
The Minister of Justice,
Ottawa.

Mr. E. W. Plunkett to Minister of Justice.

OTTAWA, 16th July, 1886.

SIR,—I am informed by Mr. Kinney, M. P., that at the very last hours of the late Session of the Nova Scotia Legislature, the Government of that Province introduced and forced through an important measure respecting the Western Counties Railway Company and conferring very arbitrary and extraordinary powers upon the Government

I have not been able so far to obtain a copy of the Bill as yet, but will do so as soon as possible.

I write now to inform you of my intention when I receive a copy of the Act, to petition His Excellency to disallow it, and request that meantime the Act be not approved by you.

I have, &c.,

(Signed) E. W. PLUNKETT.

The Hon. J. S. D. THOMPSON,
Minister of Justice,
Ottawa.

Messrs. Gormully & Sinclair to the Secretary of State.

OTTAWA, 3rd August, 1886.

SIR,—We to-day obtained a copy of an Act passed by the Legislature of Nova Scotia at its last Session, though we made application for the same long ago.

We understand that a local Act must be petitioned against within three months after its passage. We have the honor to enclose a petition for the disallowance of said Act and to request your prompt attention thereto.

We would be obliged if you would have the Government of Nova Scotia notified immediately of the filing of this petition, so that notice may be received in Halifax in time to prevent any action being taken under the said Act, until His Excellency's decision in reference to the said petition is known.

We have ,&c.,

(Signed) GORMULLY & SINCLAIR.

The Hon. J. A. CHAPLEAU.
Secretary of State, Ottawa.

Petition of Messrs. Markby, Stewart & Co. to His Excellency the Governor General, re Chapter 16.

To His Excellency The Most Honorable Sir Henry Charles Keith Petty Fitz-Maurice, Marquis of Lansdowne, in the County of Somerset, K. C. M. G., Governor General of Canada, &c., &c., &c.

The Petition of the undersigned, Messrs. Markby, Stewart and Company, of the City of London, England, Solicitors, humbly showeth:

That the said Markby, Stewart and Company are proprietors of forty-five thousand three hundred pounds (£45,300) of the "A" debenture stock of the Western Counties Railway Company of Nova Scotia;

That said debenture stock was deposited with the Government of Nova Scotia upon the terms and conditions set forth in the letter dated the sixteenth of August, one thousand eight hundred and seventy-nine, from Messrs. Markby, Stewart and Company's duly authorized attorney, F. Gundry, to the Government of Nova Scotia, and upon no other terms or conditions whatever; and a true copy of said letter is hereunto attached, and marked "X";

That the Government of Nova Scotia received said forty-five thousand three hundred pounds (£45,300) "A" stock on the terms of the said Gundry's said letter, and have since held it on the said terms, and none other, as appears from the acknowledgment of the Provincial Secretary, dated the eighteenth of August, one thousand eight hundred and seventy-nine, a copy of which is hereunto annexed and marked "Y";

That at the late Session of the Legislature of Nova Scotia, and during the very last hours of its sitting, when many of its members had left for home, the Government of the Province hurriedly and improperly, and without notice, or any justification, caused to be introduced and passed an Act, 49 Victoria, Chapter 16, respecting the Western Counties Railway Company, a copy of which is hereunto annexed; and the said Act was assented to on the eleventh of May, one thousand eight hundred and eighty-six;

That the agreement of sixteenth of August, one thousand eight hundred and seventy-nine, between the Western Counties Railway Company and the Government of Nova Scotia, which is recited in, and forms the basis of said Act (49 Victoria, Chapter 16) makes no reference to, and cannot bind, the forty-five thousand three hundred pounds (£45,300) "A" stock belonging to Messrs. Markby, Stewart and Company, which were deposited with the Government, upon terms

absolutely distinct and different from those of said agreement, as established by the annexed letter "Y" of the Provincial Secretary, before referred to;

That notwithstanding, the said forty-five thousand three hundred pounds (£45,300) "A" stock, forms part of the one hundred and ten thousand pounds (£110,000) referred to in clause one of the said Act (49 Victoria, Chapter 16), it can be subject only to the express terms of the deposit, as mutually agreed to by Messrs. Markby, Stewart and Company's attorney, Mr. Gundry, and the Provincial Secretary;

That in a recent Act, 49 Victoria, Chapter 1, passed by the Government of Nova Scotia respecting Provincial Railways—it is enacted, that the agreement, appended to said Act, is approved and ratified and made binding on the Government. And said agreement itself in section thirty-one thereof, sub-section (*d*), provides that a sum not exceeding one hundred and twenty thousand dollars, less twenty thousand dollars for debts due to the counties, shall be paid for the amicable acquisition of the Western Counties Railway;

That said Act (49 Victoria, Chapter 1) also provides (in section nineteen, subsection four) for the assumption, by a new Company, of the "B" debentures of the Western Counties Railway Company, guaranteed by the Government of Nova Scotia, and the indemnification of said new Company by the Government in view of such assumption.

That in providing a sum of money in addition to the Government claim (against the Western Counties Railway Company) for acquiring the property as provided in 49 Victoria, Chapter 1, the Government itself has established the fact that the property is worth more than its claim, and that consequently the collateral security must be released;

That the Act (49 Victoria, Chapter 16) is unjust, tyrannical and unconstitutional in authorizing the violation of the agreement contained in the annexed letter of the eighteenth of August, one thousand eight hundred and seventy-nine, of the Provincial Secretary, and in empowering a single individual member of the Government to dispose of private property as in sections three and four of said Act, on any terms whatever that he may arbitrarily decide upon; and in face of the fact that the said property does not belong to the Government of Nova Scotia—but can only be held as collateral for a debt more than liquidated by the property itself as arranged and settled by 49 Victoria, Chapter 1, as aforesaid;

Wherefore, your Petitioners humbly pray that Your Excellency may be pleased to disallow the said Act, 49 Victoria, Chapter 16, passed by the Legislature of Nova Scotia.

MARKBY, STEWART & CO.,

Solicitors, 57 *Coleman Street, London, E.C.*

By GORMULLY & SINCLAIR, their Attorneys.

"X"

BANK OF MONTREAL, HALIFAX, N.S., 16th August, 1879.

DEAR SIR,—In compliance with instructions received from Messrs. Markby, Stewart & Co., of London, England, I beg to hand you herewith scrip for forty-five thousand three hundred pounds, sterling, of "A" debenture stock of the Western Counties Railway Company of Nova Scotia. This scrip is made out in your name, as Provincial Secretary, and is to be held by you as collateral security for the Provincial guarantee of fifty thousand pounds, sterling, of "B" debenture stock of the said Company.

It is to be understood that when the time arrives for the surrender, by the Nova Scotia Government, of the accompanying scrip of forty-five thousand three hundred pounds, sterling, by reason of a release of the Provincial guarantee, a substitution of other security or any other cause whatever, then the forty-five thousand

three hundred pounds, sterling, collateral stock, now deposited with you, will be duly re-transferred and delivered to Messrs. Markby, Stewart & Co., by you.

Please acknowledge receipt of scrip and confirm above.

Yours truly,

(Signed) F. GUNDRY,

Manager.

The Honorable S. H. HOLMES,
Provincial Secretary.

"Y."

HALIFAX, 18th August, 1879.

SIR,—I have the honor to acknowledge the receipt of your letter of the 16th instant, enclosing scrip for forty-five thousand three hundred pounds, sterling, of "A" debenture stock of the Western Counties Railway Company of Nova Scotia, and in reply beg to say that the same is received and held by the Government of Nova Scotia in terms of your letter above referred to.

I have, &c.

(Signed) S. H. HOLMES,

Provincial Secretary, N. S.

To F. GUNDRY, Esq.,
Manager Bank of Montreal, Halifax.

Under Secretary of State to Messrs. Gormully & Sinclair.

DEPARTMENT OF STATE, OTTAWA, 5th August, 1886.

SIR,—I have the honor to acknowledge the receipt of your letter of the 3rd instant, enclosing petition of Messrs. Markby, Stewart & Company, for the disallowance of an Act (Chapter 16) *re* the Western Counties Railway Company of Nova Scotia, and to state that the matter will receive due consideration.

I have, &c.,

(Signed) G. POWELL,

Under Secretary of State.

Messrs. GORMULLY & SINCLAIR,
Barristers-at-Law, Ottawa.

Messrs. Gormully & Sinclair to the Secretary of State.

OTTAWA, 22nd September, 1886.

Re Markby, Stewart & Co.

SIR,—We have the honor to enclose the supplementary petition of Messrs. Markby, Stewart & Company against the constitutionality of 49 Vic., Chapter 16, passed by the Legislature of the Province of Nova Scotia.

We have, &c.,

(Signed) GORMULLY & SINCLAIR.

The Secretary of State for Canada,
Ottawa.

Supplementary Petition of Messrs. Markby, Stewart & Co. to His Excellency the Governor General, re Chapter 16.

To His Excellency The Most Honorable Sir Henry Keith Petty Fitzmaurice, Marquis of Lansdowne, in the County of Somerset, K.C.M.G., Governor General of Canada, &c., &c., &c.

The Supplementary Petition of the undersigned, Messrs. Markby, Stewart & Co., London, England, Solicitors, humbly showeth :

That your Petitioners are the proprietors of a sum of forty-five thousand three hundred pounds sterling of the "A" debenture stock of the Western Counties Railway Company of Nova Scotia, authorized to be issued under Chapter sixty-four of the Nova Scotia Act of 1879;

That said debenture stock was deposited by your Petitioners with the Government of Nova Scotia upon the terms, conditions and agreements set forth in the letter dated the 16th August, 1879, from your Petitioners' duly authorized attorney, F. Gundry, to the Government of Nova Scotia, and upon no other terms, conditions or agreements whatever; a true copy of said letter is hereunto annexed and marked "X";

That the Government of Nova Scotia received and accepted the said forty five thousand three hundred pounds "A" debenture stock on the terms, conditions and agreements contained in the said letter, as fully appears from the letter of the Provincial Secretary in reply thereto, dated the 18th August, 1879, a copy of which is hereunto annexed and marked "Y," and have since held the said stock on said terms, conditions and agreement and no other;

That at the late Session of the Legislature of Nova Scotia, and during the very last hours of its sittings, when many of its members had left for home, the Government of the said Province of Nova Scotia hurriedly and improperly and without the knowledge of, and without any notice to your Petitioners caused to be introduced and passed by the Legislature of Nova Scotia, the Act 49 Vic., Chap. 16, intituled: "An Act respecting the Western Counties Railway Company," a copy of which said Act was and is annexed to your Petitioners' original Petition herein transmitted to Your Excellency on the third day of August, A.D. 1886;

That the said forty-five thousand three hundred pounds sterling "A" debenture stock belonging to your Petitioners is part of the one hundred and ten thousand pounds sterling of debenture stock of the Eastern Division of the said Railway in said Act mentioned;

That by the said Act the Provincial Secretary it authorized to sell, and to sell by public auction or private sale, without any notice to your Petitioners, the whole of the one hundred and ten thousand pounds sterling of the debenture stock of the Eastern Division, which as before mentioned includes the said forty-five thousand three hundred pounds "A" debenture stock belonging to your Petitioners;

That by the said Act the Provincial Secretary though himself directed to be the seller of said debenture stock is hereby authorized also to buy the same;

That your Petitioners are nowhere named or referred to in said Act, nor is it anywhere mentioned in the said Act that your Petitioners are the owners of, or interested in, the said forty-five thousand three hundred pounds sterling "A" debenture stock, or that the said forty-five thousand three hundred pounds "A" debenture stock is included in, or forms part of the one hundred and ten thousand pounds sterling debenture stock thereby authorized to be sold; but on the contrary, the said Act on its face purports merely to confirm a certain agreement in said Act mentioned, and dated the 16th day of August, A.D. 1879, and made between Her Majesty the Queen and the Western Counties Railway Company;

In the said Act it is not alleged that your Petitioners are parties to said agreement, and the fact is that your Petitioners are not parties to, or bound by said agreement, if any such exists;

That in the Act passed by the said Legislature at the same Session, being the Act 49 Vic., Chap. 1 (a copy whereof was annexed to your Petitioners said former

Petition), it is enacted that a certain agreement appended to said Act is thereby approved and ratified, and made binding on the Government. And the said last mentioned agreement itself, in Section 3 thereof, sub-section "*d*," provides that a sum exceeding one hundred and twenty thousand dollars, less twenty thousand dollars for debts due the counties, shall be paid for the amicable acquisition of the Western Counties Railway.

That said Act 49 Vic., Chap. 1, also provides in Section 19, sub-section 4, for the assumption by a new Company of the "B" debenture stock of the Western Counties Railway Company by the Government of Nova Scotia, and the indemnification of said new Company by the Government, in view of such assumption;

That in stipulating that a sum of money in addition to the existing claims should be paid to the Western Counties Railway Company for acquiring its property as provided in 49 Vic., Chap. 1, the Government of Nova Scotia itself established the fact that the property of the said Company is worth more than the claims against it and that consequently the collateral security held by the said Government, even if still valid, which your Petitioners do not admit, would not in any case require to be resorted to;

That even assuming that the Government of Nova Scotia by their dealings with the Western Counties Railway and otherwise have not yet discharged and released the lien on the said forty-five thousand three hundred pounds sterling "A" debenture stock of your Petitioners created and defined by the letter aforesaid, yet the Government holds security from the Western Counties Railway Company amply sufficient to protect the said Government from all liability and loss on the guarantee executed by it for the said Western Counties Railway Company, and ought in fairness and justice to resort to such security before attempting to realize on your Petitioners' said property;

That from a perusal of the said Act, 49 Vic., Cap. 1, it manifestly appears that the Government of Nova Scotia does not intend to realize on the Western Counties Railway and the other securities held by said Government, but is bound and intends to transfer said Western Counties Railway to the Company in said chapter one referred to;

Your Petitioners humbly submit that the said Act, 49 Vic., Capt. 16, is unjust, unconstitutional and contrary to sound principles of legislation, inasmuch as the said Act passed without the knowledge and consent of, and without any notice to, your Petitioners, changes the terms of the solemn contract entered into between the said Government and your Petitioners at the time of the deposit of the said forty-five thousand three hundred pounds sterling "A" debenture stock, as contained in said letters of the sixteenth and eighteenth of August, A.D. 1879, and on the faith of which your Petitioners gave up possession of the said debenture stock, and inasmuch as the said Act passed without the knowledge or consent of, and without any notice to your Petitioners, attempts to add a summary power of sale and other powers of a very oppressive and arbitrary character to the solemn contract entered into between the said Government and your Petitioners as aforesaid, and in reliance upon which your Petitioners were induced to deposit with the said Government the said debenture stock;

Your Petitioners for the reasons aforesaid humbly submit that the said Act, 49 Vic., Chap. 1, passed in the manner and with the objects and purposes aforesaid, is opposed to every sound principle of legislation and should be disallowed by Your Excellency.

Wherefore your Petitioners humbly pray that Your Excellency may be pleased to disallow the Act forty-nine Victoria, chapter sixteen, passed by the Legislature of Nova Scotia.

MARKBY, STEWART & CO.

Solicitors, 57 Coleman St., London, E. C.

By GORMULLY & SINCLAIR their Attorneys.

Under Secretary State to Messrs. Gormully & Sinclair

DEPARTMENT OF SECRETARY OF STATE, OTTAWA, 24th September, 1886.

GENTLEMEN,—I have the honor to acknowledge the receipt of your letter of the 22nd instant enclosing a supplementary petition by Messrs. Markby, Stewart & Co. to His Excellency the Governor General against the constitutionality of the Act 49 Vic., Chap. 16, passed by the Legislature of the Province of Nova Scotia, and to state that the matter will receive consideration.

I have, &c.,

(Signed) HENRY J. MORGAN,

Acting Under Secretary of State.

Messrs. GORMULLY & SINCLAIR,
Barristers-at-Law,
Ottawa.

Lieutenant Governor to Secretary of State

GOVERNMENT HOUSE, HALIFAX, N.S., 13th October, 1886.

SIR,—I have the honor to acknowledge the receipt of Mr. Morgan's letter of the 4th instant, No. 8953 on 26366 with 22339, transmitting copies of correspondence on the subject of the disallowance of the Acts passed by the Legislature of this Province at its last Session, Chapters 1 and 16, and I have the honor to state that I have forwarded the same to the members of my Government requesting them to take the matter under their consideration and to communicate to me their views on the subject, which I shall have the honor to forward as soon as received.

I have, &c.,

(Signed) M. H. RICHEY,

Lieutenant Governor.

The Honorable
The Secretary of State, Ottawa.

Petition of Mrs. Maria Kearney with respect to Chapter 5.

To His Excellency Henry Charles Keith Fitzmaurice, Marquis of Lansdowne, Governor General of Canada :

The Petition of Maria Kearney, of Dartmouth, in the County of Halifax, and Province of Nova Scotia, widow, humbly showeth :

That an Act of the Legislature of Nova Scotia was passed on the 11th day of May, 1886, Chapter 5, intituled : "An Act respecting Public Charities," the fourth and fifth sections of which were intended chiefly to prevent your Petitioner from recovering the lands described as Lot 1 in the schedule to said Act, and to destroy her title thereto without making any provision for compensation. This land was devised by your Petitioner's father, Andrew McMinn, to your Petitioner's mother during her life, and afterwards to any child or children the testator might have by his then marriage, and as he had no child by such marriage but your Petitioner, who was born after the execution of the testator's will, it rightfully belonged to your Petitioner on the death of her mother, which took place in 1881. It is true, certain proceedings took place in the Chancery Court of Nova Scotia, and the property was sold under these proceedings, and bought in by the plaintiff in that suit, but their validity is disputed on many grounds, among which

are: that the Chancery Court had no jurisdiction; that the order of sale did not bind your Petitioner, who was then a mere infant, and whose title or right to the property was not set forth in the Bill, but fraudulently suppressed and kept concealed from the court from the inception of the proceedings to their close, and that the plaintiff, who was also administratrix in that suit, could not purchase the property for herself, but that such purchase would be either void or make her a trustee for your Petitioner, and that the character of a trust would be impressed upon the property in the hands of every succeeding purchaser not purchasing from or with the consent of your Petitioner.

Under these circumstances an ejectment suit was brought in 1882 by your Petitioner and her husband, who has since died, to recover this land from the parties in possession, who claimed to hold it for the Provincial Government under section 47 of Chapter 36 of the 4th series of the Revised Statutes of Nova Scotia, and on other grounds. The Supreme Court of Nova Scotia, before which the case was argued, decided adversely to your Petitioner on the merest technical ground, viz., that the legal title was outstanding in a former mortgage, though the mortgage had been fully paid off forty years previously. An appeal from the decision was taken to the Supreme Court of Canada, and the judgment of the Supreme Court of Nova Scotia was there upheld, chiefly on the ground that the 47th clause of Chapter 36 of the Revised Statutes of Nova Scotia transferred the title to the Defendants. Your Petitioner and her counsel being dissatisfied with the judgment caused a petition to be filed in the Privy Council of England for special leave to appeal from this judgment, but in the event of special leave to appeal being denied, or the case being decided by the Privy Council on any technical ground, your Petitioner submits that she should not be precluded by special legislation from bringing another action or actions, to have her claim to this property disposed of upon its merits, of which right she would be deprived if the 4th and 5th sections of the Act first above mentioned should become law. Though there is a provision in this Act that it shall not apply so as to interfere with your petitioner in case the special leave to appeal applied for shall be allowed, the application is, notwithstanding, strenuously opposed by the Local Government, and at their instance the application was postponed by the Judicial Committee of the Privy Council from its last sittings to its next sittings, and counsel are engaged with instructions to offer every opposition to said appeal, and it may be defeated on some technical ground aside from the merits, as it was in the court of Nova Scotia, or because it does not come within the rules upon which appeals are granted in the Privy Council.

Your Petitioner has already expended large sums of money to recover this property, yet if defeated in her application for special leave to appeal she is prepared to pay the Defendant's costs before instituting another suit, and as her claim is not vexatiously but legitimately prosecuted and as it would be against natural justice to legislate her out of her property without compensation she most humbly submits that the fourth and fifth sections of said Act should be disallowed by Your Excellency.

Your Petitioner further submits that the Legislature of Nova Scotia never before this occasion specially appropriated private property, without providing for an equivalent, and even in such cases not without notice to the owner to show cause against the appropriation before a Committee of the Assembly or otherwise, whether this happened from a belief that the Legislature had not the power to act otherwise, or whether the practice for more than a hundred years binds the Legislature or has become part of the constitutional law of Nova Scotia, your Petitioner is unable to say, but she most humbly submits that it ought to weigh as a strong argument in the exercise of Your Excellency's prerogative in preventing an act against natural justice.

Your Petitioner annexes hereto a printed copy of said Act and humbly states that in consequence of the absence from the Province of her solicitor and it not having come to her knowledge that such an Act was passed until a day or two ago, she was unable sooner to present a petition with reference thereto.

Your Petitioner, therefore, most humbly prays that Your Excellency may refuse your assent to, or disallow the said Act, or the 4th and 5th clauses thereof, with that part of the schedule describing this property.

And your Petitioner will ever pray, &c.

(Signed) MARIA KEARNEY.

AN ACT RESPECTING PUBLIC CHARITIES.

Fourth Clause.—The Nova Scotia hospital for the insane at Dartmouth, and all the real and personal property and assets of the Commissioners of Public Charities in respect of or in connection with the said provincial hospital for the insane shall on the 1st day of July, 1886, vest in Her Majesty the Queen, her heirs and successors, represented in this behalf by the Commissioner of Public Works and Mines.

Fifth Clause.—To remove doubts as to the title or otherwise, and for greater certainty, but not so as to restrict the generality of the foregoing section, it is hereby declared and enacted that the lands mentioned in the schedule to this Act were, under Chapter 16 of the Acts of 1878, entitled: "An Act to establish a Board of Commissioners of Public Charities," duly vested in said Commissioners of Public Charities, and that the Commissioners of Public Charities had a good, sure, perfect and indefeasible estate of inheritance in fee simple in the said lands, both at law and in equity, freed and absolutely discharged of and from all claims whatsoever, and that the said lands on the 1st day of July, 1886, shall vest in Her Majesty, her heirs and successors represented in this behalf by the Commissioner of Public Works and Mines, in fee simple, and the deeds and proceedings mentioned in said schedule, by means of which said lands were acquired or transferred, are hereby confirmed and made valid. Nothing herein contained shall prejudice the rights of the parties in the suit of Kearney against Creelman, decided in the Supreme Court of Nova Scotia and in the Supreme Court of Canada in case of an appeal to the Judicial Committee of Her Majesty's Privy Council.

Under Secretary of State to Mr. T. J. Wallace.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 10th September, 1886.

SIR,—I have the honor to acknowledge the receipt of a petition to His Excellency the Governor General from Maria Kearney, of Darmouth, N.S., annexing a printed copy of a certain "Act respecting Public Charities," passed on the 11th day of May, 1886, by the Legislature of Nova Scotia, and praying that His Excellency may be pleased to refuse his assent to or disallow the said Act, or the 4th or 5th clauses thereof, with that part of the schedule describing the property alluded to by Petitioner, in so far as the said Act affects the said property; and to state that the matter will receive consideration.

I have, &c.,

(Signed) G. POWELL,

Under Secretary of State.

T. J. WALLACE, Esq.,
Solicitor, &c.,
Dartmouth, N.S.

Deputy Minister of Justice to Under Secretary of State.

DEPARTMENT OF JUSTICE, OTTAWA, 30th September, 1886.

SIR,—In returning the annexed file, I am directed to recommend that a copy of Mrs. Kearney's petition for the disallowance of the Act passed by the Legislature of Nova Scotia at its last Session, chaptered 5, and intituled: "An Act respecting Public Charities," be transmitted to the Lieutenant Governor with a view to His Excellency being informed of the views of the Nova Scotia Executive in respect of the petition.

I have, &c.,

(Signed) GEO. W. BURBIDGE,

Deputy Minister of Justice.

The Under Secretary of State.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 1st October, 1886.

SIR,—I have the honor to transmit herewith, copy of a petition of Mrs. Maria Kearney, of Dartmouth, in the County of Halifax, N.S., widow, praying for the disallowance of the Act passed by the Legislature of Nova Scotia at its last Session, chaptered 5, and intituled: "An Act respecting Public Charities."

I am to request that you will bring this petition under the attention of your advisers, to the end that they may be moved to consider it, and to submit through you, for the information of His Excellency the Governor General, their views in the matter.

I have, &c.,

(Signed) HENRY J. MORGAN,

Acting Under Secretary of State.

His Honor
The Lieut. Governor, Halifax, N.S.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, HALIFAX, N.S., 11th October, 1886.

SIR,—I have the honor to acknowledge the receipt of a despatch from Mr. Henry Morgan, Acting Under Secretary of State, No. 8961 on 23981, dated the 1st October, 1886, transmitting a copy of a petition from Mrs. Maria Kearney, of Dartmouth, N.S., praying for a disallowance of the Acts passed by the Legislature of this Province at its last Session, intituled: "An Act respecting Public Charities," and I have the honor to state that I have forwarded the Petition to the members of my Government, inviting their early consideration to it, and I shall have the honor to submit their views on the matter as soon as received by me.

I have, &c.,

(Signed) M. H. RICHEY,

Lieutenant Governor.

The Honorable
The Secretary of State, Ottawa.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, HALIFAX, N.S., 9th November, 1886.

SIR,—I have the honor, upon the suggestion of the leader of my Government, the Hon. W. S. Fielding, to acquaint you that the members of my Government have had under consideration several despatches from the Department of the Secretary of State in relation to petitions to His Excellency the Governor General, praying the disallowance of the following Acts of the Legislature of 1886:—

Chap. 1. "An Act to authorize certain grants in aid of Railways, and to provide "for the completion and consolidation of the Railways between Halifax and Yar- "mouth."

Chap. 16. "An Act respecting the Western Counties Railway Company;" and

Chap. 5. "An Act respecting Public Charities."

The papers in these matters are somewhat voluminous and require very careful consideration.

It is now deemed desirable that the Ministers of His Excellency the Governor General should be made aware that the matter is being dealt with by my Government, whose views in reply to the petitions will be submitted at an early day.

I have, &c.,

(Signed) M. H. RICHEY,

Lieutenant Governor.

Lieutenant Governor to the Secretary of State.

GOVERNMENT HOUSE, HALIFAX, N. S., 29th November, 1886.

SIR,—Referring to my letter of the 9th of November last, No. 53, in which I stated that the members of my Government had under their consideration several despatches relative to petitions to His Excellency the Governor General praying for the disallowance of certain Acts (Chapters 1, 5 and 16) of the Legislature of 1886, I have now the honor to forward herewith, copies of the Attorney General's reports thereon, and a certified copy of the Minute of Council relative thereto approved by me.

I have, &c.,

(Signed) M. H. RICHEY,

Lieutenant Governor.

The Honorable
The Secretary of State for Canada,
Ottawa.

CAP. 1.

Extract from Attorney General's Report.

Re petitions of E. W. Plunkett, Messrs. Markby, Stewart and Co., and the Western Counties Railway Company, praying His Excellency the Governer General to disallow certain Acts of the Legislature of Nova Scotia, passed at the last Session.

The undersigned has had submitted to him the petition of E. W. Plunkett and Supplementary petition of the same party, praying His Excellency the Governor General to disallow chapters 1 and 16 of the Acts of Nova Scotia, 1886. Also the petition of Markby, Stewart and Co., and the resolution and communication of the directors of the Western Counties Railway Company of like purport, which have been

forwarded to His Honor the Lieutenant Governor by the Honorable the Secretary of State.

The memorials and documents referred to contain much that is irrelevant and as all are substantially the same in their representations and objects, it is scarcely necessary to follow all the statements therein contained in detail. A general statement of the case is sufficient for a proper view of the action of the Government and Legislature of this Province in respect to the Acts complained of.

The Western Counties Railway is an enterprise which was subsidized by the Legislature of Nova Scotia. In 1872 the Legislature voted 150,000 acres of Crown lands and a cash subvention of $30,000 a year for twenty years, for a railway from Annapolis to Yarmouth. In 1874 the Legislature changed this on condition that Digby town should be included in the route, to a subsidy of $6,000 per mile and 150,000 acres of Crown lands.

The Western Counties Railway Company entered into a contract with the Government under this Act, and agreed to construct the whole line in consideration of this subsidy.

In 1875 the Legislature granted an additional subsidy of $2,000 per mile to this railway, without any consideration save a desire to secure the early construction of the work.

By a liberal interpretation of the contract and the legislation providing these subsidies, the whole of the Government cash subsidy was paid out before a mile of road was fully completed, and work ceased about the latter part of 1876.

No further progress was made in this work until 1879, when the Goverment and Legislature again come to the rescue. By the scheme of 1879 the company was to call in the issue of £280,000 of first debenture bonds, and to substitute an issue of first debenture stock as follows:—

(*a*) £90,000 of "B" debenture stock, which was to be a first lien on the gross receipts of the Western Division after paying working expenses.

(*b*) £210,000 of "A" debenture stock, which was to form a second lien on the Western Division and a first lien on the Eastern Division of the railway, which latter division is declared to be the Windsor Branch, so called.

The Legislature authorized the Government to guarantee the interest on a portion of these bonds sufficient to complete and equip the line between Digby and Yarmouth. Under the authority of this legislation the Company issued the two classes of debenture stock, namely: £90,000 "B" debentures, and £210,000. "A" debentures, and entered into an agreement with the Government of Nova Scotia (See Journals, 1880, Appendix No. 7). The leading provisions of this agreement are as follows:—

The Government were to guarantee the interest at the rate of five per cent. on £50,000 of the "B" debenture stock, in order to raise money for the completion of the road between Digby and Yarmouth, and, by a special clause in the agreement, an additional sum of £5,000, was to be guaranteed to meet pressing demands upon the Company, £55,000, in all.

The Company was to deposit with the Government as security for this guarantee £110,000 of the "A" debenture stock, and £40,000 of the "B" debenture stock. It also bound itself to complete, equip and continuously operate the line between Digby and Yarmouth, to maintain a daily steam ferry between Digby and Annapolis, to pay the interest on the bonds guaranteed by the Government and to pay the municipalities of Annapolis and Digby interest at the rate of seven per cent. on the amount paid for right of way on the portion between Annapolis and Digby remaining uncompleted, until the same was finished.

It was stipulated by way of remedy, that if the interest was not paid on the debenture stock guaranteed by the Government, the Government should have the right to sell all or any part of the securities in its possession, and also to sell the Western Division of the Company's railway without foreclosure. And the Company bound itself to make valid any instrument or conveyance which the Government might make in pursuance of this power.

After that agreement was entered into the Government guaranteed the interest on £55,000, to enable the Company to carry out its undertaking. The £110,000, of debenture stock was duly deposited with the Government, and also £40,000, of "B" debenture stock. The line between Digby and Yarmouth has been so far completed as to be open for traffic and passengers. But the Company has entirely failed to fulfil its obligation to pay the interest on the guaranteed debenture stock, and the Government have paid interest every year since the guaranteed stock was issued and sold. Neither has the Company paid the interest to the Municipalities of Annapolis and Digby as agreed. A large sum of money is now due from the Company to the Government for accrued interest which the Government have paid for several years.

Such is the present position of the relations between the Government and the Company. The Company is in default, and the Government have the right to exercise the powers conferred by the agreement of 16th of August, 1879.

Recognizing that the existing condition of railway communication between Halifax and Yarmouth is not now satisfactory, and that it was in the public interest that there should be one completed and consolidated railway under one management the Government entered into an agreement with the Joint Stock Association looking to that end, and said agreement is embodied in Chapter 1 of the Acts of 1886. In that agreement the Government undertake to exercise their powers for the acquisision of the Western Counties Railway, for the purpose of securing the Consolidation. These are powers acquired by agreement with the Company and which the Company is estopped from calling in question in any form.

But it will be noted that in the scheme for consolidation embodied in the Acts of 1886, Chapter 1, it is provided that compensation to the extent of $120,000 may be given for private interests in the Western Counties Railway. This is purely a gratuity, as there is no legal or moral obligation resting upon the Government to advance one farthing additional to the Company. The Government stand in the exact position of a mortgagee whose mortgagor has made default. But so anxious are the Government to deal liberally with the Company that they have procured the assent of the Legislature to a provision giving them power to appropriate, out of moneys to be raised on the scheme, $120,000, to be paid to those having interests in the Company, in the event of an amicable acquisition being agreed upon.

So far from the Western Counties Railway Company or Markby, Stewart & Co. or any person, holding any preferential stock of the Company, petitioning against the disallowance of Chapter 1, they should recognize it as an excess of liberality which they have no right to demand, and no reason to expect.

A number of statements are made in the several memorials before me, which require only a passing reference.

Objection is made to the late time at which Chapter 16 passed the Legislature, and that it was rushed through. It is submitted that in a question of disallowance such matters are not relevant. Every free Parliament is a judge of its own procedure. The sole question involved is the constitutionality of the Act, or the constitutional authority of the Legislature to pass it. Whether it is introduced early or late in the Session, or whether or not parties likely to be affected by it had notice, seem to be in no way pertinent. At all events the Western Counties Railway Company is not in a position to call in question the legislation, because it only seeks to carry out and effectuate the agreement of 1879, and by section 14 of said agreement it is covenanted that the right of the Government shall be protected and secured by such legislation as may be necessary to carry out and effectuate said agreement.

Regarding Mr. Plunkett's several statements it is enough to say, that he has furnished no evidence of his right to speak in the name of any person save himself, and the Government are advised that he is but a trifling holder of stock of any kind of the Company. His remarks about the value of the Western Counties Railway are preposterous and not entitled to a moment's consideration. Since the road between Digby and Yarmouth was completed it has never paid more than ordinary working expenses. There is the best indication that it has been unable to pay working

expenses and maintain the road in efficient repair, in the fact that in order to prevent it being absolutely closed, the Government of Nova Scotia had to ask the Legislature to vote $50,000 in 1883, to put the road in such a state as to be run with safety to the public. As at present situate the Western Counties Railway has no commercial value, inasmuch as it has no earning power. When estimating the net earnings of the whole line between Halifax and Yarmouth at $100,000 per annum, regard is had to the earning power of other portions of the line than that now operated by the Western Counties Railway Company, and to the improvements which the proposed expenditure of the new Company will secure, and the advantages of consolidation promote.

But after all the question of value has very little to do with the subject matter of the memorials. If the Western Counties Railway is of great value, and worth such a large sum of money, it will be easy for the Company to raise enough money to pay off the claim of the Government, which is comparatively small, and then it will be impossible for the Government to exercise the powers contained in the agreement of 1879, and ratified by Chapter 16, of the Acts of 1886.

Another expression used by the memorialists is entirely misapplied. Complaint is made that the Government are expropriating the Western Counties Railway. This is absurdly incorrect. The Government are merely enforcing a security according to the terms of the agreement creating the security. They are only doing what the Company themselves agreed they should do in case of default.

Speaking then in general terms the undersigned submits that Chapter 1 of the Acts of 1886, is a measure entirely within the jurisdiction of the Legislature of Nova Scotia, which aims to encourage the construction of railways in Nova Scotia proper and Cape Breton, and which especially looks to the completion and consolidation of the western system of the Province. The whole Act is fair in its dealing with all railway corporations now existing and having interests in Nova Scotia, and generous to the Western Counties Railway, inasmuch as the Government practically assume the liability of the outstanding guarantee. And while fully convinced that the railway and its franchises and all the debenture stock held would be entirely insufficient to satisfy the Government guarantee of interest on $55,000, which is perpetual, the Government have asked and induced the Legislature to give a gratuity of $120,000 to the present Company, for the mere consideration of an amicable acquisition.

All of which is respectfully submitted.

(Signed) J. W. LONGLEY, *Attorney General.*

Nov. 9th, 1886.

CAP. I.

EXTRACT *from Order in Council passed at Halifax on the 26th day of November, A.D. 1886, and approved by His Honor the Lieutenant Governor.*

The Government having received from the Secretary of State at Ottawa, copies of petitions praying for disallowance by His Excellency the Governor General, of certain Acts of the Legislature;

The said petitions have been considered by the Attorney General, who now submits two reports thereon:

1. On the petitions of E. W. Plunkett, Messrs. Markby, Stewart & Co., and the Western Counties Railway Company, praying for the disallowance of Chapters 1 and 16 of the Acts of 1886, the Attorney General submits a report, dated 9th November, 1886.

The report gives a history of the relations of the Government of Nova Scotia to

the Western Counties Railway, and presents reasons why the chapters in question should be left to their operation.

The Council concur in the reports of the Attorney General, and submit the recommendations for the approval of His Honor the Lieutenant Governor.

I certify the foregoing to be a true and correct copy of an Order in Council passed and approved as aforesaid.

(Sgd.) H. CROSSKILL,
Deputy Provincial Secretary.

Extract from the Attorney General's Report.

CAP. 16.

Re petitions of E. W. Plunkett, Messrs. Markby, Stewart & Co., and the Western Counties Railway Company, praying His Excellency The Governor General to disallow certain Acts of the Legislature of Nova Scotia, passed at the last Session.

The undersigned has had submitted to him the petition of E. W. Plukett, and supplementary petition of the same party, praying His Excellency The Governor General to disallow Chapters 1 and 16 of the Acts of Nova Scotia, 1886. Also the petition of Markby, Stewart & Co., and the resolution and communication of the directors of the Western Counties Railway Company, of like purport, which have been forwarded to His Honor the Lieutenant Governer by the Honorable the Secretary of State.

The petition of Messrs. Markby, Stewart & Co., refers to the deposit of £45,300 with the Government in July, 1879, upon the terms of letter addressed by Mr. F. Gundry, manager of the Bank of Montreal, to the Provincial Secretary of that day, which terms were agreed to by the then Provincial Secretary. This £45,300 was part of the £110,000 of "A" debenture stock, of which, by terms of the agreement of 1879, was to be deposited with the Government as a condition precedent to the guarantee. How far the Provincial Secretary of that day was authorized to make any conditions in regard to the acceptance of this stock is a matter which need not be discussed. It is sufficient to say that the Government fully recognize the conditions embodied in Mr. Gundry's letter, regard them as binding upon the Province, and will respect them fully and unreservedly. What there is contained in Chapter 16 of the Acts of 1886, which is inconsistent with, or amounts to a violation of the terms of that letter, is not apparent. Nothing of the kind was intended and the undersigned is compelled to say that in his opinion no such violation can be discovered in the whole scope of said Act or in any particular clause or line thereof.

As regards Chapter 16 of the Acts of 1886, the undersigned submits that it is merely a ratification of the agreement of 1879, with the added authority to the Provincial Secretary to purchase said railway for the Province if deemed expedient. The said Act is quite within the authority of the Nova Scotia Legislature. The Western Counties Railway is estopped by its own agreement from opposing it, as before indicated.

As the agreement of 1879 was very ample in its powers it may be doubted if legislation was necessary to its enforcement. The Government were advised that it should be safer to have the agreement ratified by Parliament and it is difficult to comprehend how the interests of any of the memorialists are prejudiced or affected by an Act which simply ratifies and confirms an agreement admittedly binding upon the Company and debenture holders.

Clause three, however, of the said Chapter 16, gives the Provincial Secretary the right to sell either by public auction or sale, or by private contract, at his dis-

cretion, and at or for such sums of money as he shall judge sufficient, the securities and also the Western Division, to the person or persons purchasing the same. It may be contended that this is a large and unusual power. It is submitted, however, that the Provincial Secretary, being a public official, and representing the Crown, can be trusted to exercise such a power fairly and in the public interest, and with a due sense of the moral responsibilities which it involves. This was evidently the view of the Legislature. Nevertheless, as some parties who have interests involved may fancy that their rights are liable to be prejudiced by the exceptional powers therein conferred, I would recommend that His Honor the Lieutenant Governor be advised to order that the powers therein conferred on the Provincial Secretary be not exercised without due notice to all parties concerned, and, if not exercised in the meantime, that the Government recommend to Parliament, if any parties concerned desire it, at the next Session, such amendments to said section three, as will prevent the possibility of any action, until after ample notice to the parties concerned and to the world. With this assurance, in regard to the operation and enforcement of section three of the said Chapter 16, the undersigned submits that in the public interests both Chapters 1 and 16 should be left to their operation.

All of which is respectfully submitted.

(Signed) J. W. LONGLEY,
Attorney General.

9th November, 1886.

EXTRACT *from an Order in Council passed and approved by His Honor the Lieutenant Governor of Nova Scotia on the 26th November*, 1886.

The report [of the Attorney General] gives a history of the relations of the Government of Nova Scotia to the Western Counties Railway, and presents reasons why the chapters in question should be left to their operation.

With reference to the representations of Messrs. Markby, Stewart & Co., that the Government of Nova Scotia are acting in disregard of an arrangement made between their agent, Mr. Gundry, and Mr. Holmes, Provincial Secretary, in 1879, as respects the deposit of certain stocks, the Attorney General says:

"How far the Provincial Secretary of that day was authorized to make any conditions in regard to the acceptance of this stock, is a matter which need not now be discussed. It is sufficient to say that the Government fully recognize the conditions embodied in Mr. Gundry's letter, regard them as binding on the Province, and will respect them fully and unreservedly."

Referring to the objection taken to the provision in Chapter 16, which authorises the Provincial Secretary to sell the securities and railway therein referred to by private sale at his discretion, the Attorney General, while holding that such provision is entirely within the power of the Provincial Legislature, and that all private interests are adequately protected, recommends as follows:—

"Nevertheless as some parties who have interests involved may fancy their rights are liable to be prejudiced by the exceptional powers therein conferred, I would recommend that His Honor the Lieutenant Governor be advised to order that the powers therein conferred on the Provincial Secretary be not exercised without due notice to all parties concerned, and, if not exercised in the meantime, that the Government recommend to Parliament, if parties concerned desire it, at the next Session, such amendments to said section there as will prevent the possibility of any action until after ample notice to the parties concerned, and to the world."

Certified and approved.

(Signed) H. CROSSKILL,
Deputy Provincial Secretary.

REPORT *of Hon. Mr. Attorney General Longley upon Chapter* 5.

HALIFAX, N.S., 10th November, 1886.

Re petition of Maria Kearney praying His Excellency the Governor General to disallow the fourth and fifth sections of Chapter 5 of the Acts of Nova Scotia, 1886.

The undersigned has had under consideration the above memorial of Maria Kearney and begs to submit as follows:—

The land in question is the site upon which stands at present, and has stood for many years, the Nova Scotia Hospital for the Insane, a structure worth some hundreds of thousands of dollars and containing several hundred inmates.

The property was acquired by the Government of Nova Scotia in a regular and legitimate manner by purchase, and the title was certified, as the undersigned is advised, by the Law Officer of the Crown at the time of the purchase. A fair reasonable market value was paid for the property.

After its acquisition the Government proceeded to erect large and costly buildings upon it, which have been extended from time to time, until now the said buildings, which have been occupied from the first as the Provincial Hospital for the insane, are the largest in the Province.

The validity of the title to the land so acquired as aforesaid was never called in question during all the many years between its acquisition and the year 1882, when the petitioner began suit for the recovery of the land and all the buildings thereon.

The suit was tried and judgment given, after full investigation, in favor of the Crown. Appeal was had to the Supreme Court *en banco* in Nova Scotia and the judgment given at *Nisi Prius* was confirmed. The cause was then carried by the plaintiff, the present memorialist, to the Supreme Court of Canada, and after argument, the judgment of the Supreme Court of Nova Scotia in favor of the Crown was affirmed.

Application has been made to the Judicial Committee of the Privy Council for leave to carry the action to that court for final determination.

The clauses of the Act in question distinctly declare that nothing shall be enacted to interfere in any way with the rights of the plaintiff before the Judicial Committee of the Privy Council, and the clauses complained of have no bearing on the present suit.

It is submitted, however, that the public interests require that the title to this public land should be set finally at rest. The land originally was purchased for a very small sum and its value was and is quite trifling. But large and valuable buildings more than a hundred times more costly than the land have been erected upon it for public purposes, and as the Government acquired the land, not by expropriation, but by regular purchase for fair value, it is submitted that it would be entirely opposed to the public interest that, on the merest technicality, the Province should be harassed without limit by vexatious suits.

Admitting to the farthest the claim of the petitioner that there was a trifling flaw in the title it is submitted that the public interests require that the title be set at rest, since a valuable public institution on which hundreds of thousands of dollars of the public moneys of the Province have been expended is involved. But it must be borne in mind that every Court before which the matter has been presented, argued and adjudicated, has pronounced adversely to the pretended claims of the petitioner. If the Judicial Committee of the Privy Council should determine to entertain the appeal, and should reverse the judgments of the Courts below, the petitioner will have ample remedy. And nothing in the sections complained of abridge this in any sense. If the Judicial Committee of the Privy Council decline to entertain the appeal, or entertaining it, confirms the judgment, it is submitted that this ought to settle the question and put an end to the meritless and vexatious pretensions of the petitioner.

It is submitted that the Act is within the legislative authority of the Legislature of Nova Scotia, relating as it does to property and civil rights, and attention is

respectfully directed to the fact that the remainder of the Act deals with most important public matters, relating to the humane institutions of the Province, the disallowance of which would involve most serious consequences.

J. W. LONGLEY,
Attorney General.

EXTRACT *from an Order in Council passed at Halifax on the 26th day of November, A.D.* 1886, *and approved by His Honor the Lieutenant Governor.*

2. On the petition of Maria Kearney praying for the disallowance of Chapter 5 of the Acts of 1886, the Attorney General submits a report, dated 10th November, 1886, giving a brief history of Mrs. Kearney's claims respecting the ground of the Nova Scotia Hospital for the Insane, and stating reasons why the chapter in question should be left to its operation.

The Council concur in the report of the Attorney General and submit the recommendations for the approval of His Honor the Lieutenant Governor.

I hereby certify the foregoing to be a true and correct copy of an Order in Council passed and approved as aforesaid.

(Signed) H. CROSSKILL,
Deputy Provincial Secretary.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 3rd December, 1886.

SIR,—I have the honor to acknowledge the receipt of your despatch, No. 58, of the 20th ult., transmitting copies of your Attorney General's Reports on several Despatches from this Department relative to petitions to His Excellency the Governor General, praying for the disallowance of certain Acts of the Nova Scotia Legislature of 1886, together with a certified copy of an approved minute of the Executive Council of Nova Scotia relating thereto, and to state that the same will receive consideration.

I have &c.,

(Signed) G. POWELL,
Under Secretary of State.

To His Honour
The Lieutenant Governor of Nova Scotia,
Halifax, N. S.

Deputy Minister of Justice to Under Secretary of State.

DEPARTMENT OF JUSTICE, OTTAWA, 30th September, 1886.

SIR,—I have the honour by direction to request that copies of the correspondence mentioned in the annexed schedule on the subject of the disallowance of the Acts,

Chapter 1 and 16, of the Legislature of the Province of Nova Scotia, also mentioned therein, be transmitted to the Lieutenant Governor of that Province, in order that he may, if he sees fit, communicate to his Excellency the views of His Honor's advisers on the subject.

I have, &c.,

(Signed) GEO. W. BURBIDGE,
Deputy Minister of Justice.

The Under Secretary of State.

SCHEDULE.

CHAPTER I.

Nova Scotia, 49 Vic., c. 1. "An Act to authorize certain grants in aid of railways, and to provide for the completion and consolidations of the railway between Halifax and Yarmouth.

1. Petition to His Excellency of June, 1886 (but without date) from E. W. Plunkett, representing certain holders of "A" debenture stock of the Western Counties Railways of Nova Scotia, praying for disallowance of said Act, on the ground that it arbitrarily provides for the expropriation of petitioner's property without due or adequate provision for compensation; and that it was passed hastily and without due notice.

2. Letter of 26th, July 1886, from Mr. Plunkett to the Secretary of State, enclosing petition hereinafter mentioned.

3. Petition of Mr. Plunkett, supplementary to his petition of June, 1886, praying for the disallowance of the said Act, and giving particulars to establish that the Act provides for the arbitrary expropriation of the property of the Western Counties Railway Company, without making proper provision for compensating those interested in the undertaking.

4. Letter of 11th August, 1886, from Mr. J. W. Bingay, Secretary of the Western Counties Railway Company, to Secretary of State, enclosing copies of—

(*a.*) Letter from R. G. Elwes to Secretary Western Counties Railway Company, 26th June, 1886.

(*b.*) Answer of the directors of Western Counties Railway Company thereto.

(*c.*) Resolution of such directors respecting disallowance, dated 10th August, 1886.

5. Letter of 29th September, 1886, from Mr. Gormully, to the Minister of Justice, enclosing supplementary petitions from Mr. Plunkett, praying for the disallowance of said Act.

6. Supplementary petition last referred to from Mr. Plunkett, further objecting to the said Act, on the ground that the Government of Nova Scotia have not the powers of disposition over the Western Counties Railway, which by the said Act they are stated to have, and that in any event the use of such powers, not in an open, fair and reasonable manner, and so as to obtain the highest possible prize, but—for the purpose of handing the property over to another company to be formed—would be a gross breach of trust.

7. Letter of 30th September, 1886, from Mr. Gormully to the Minister of Justice, denying the statement alleged to have been made by Mr. Elwes that "the promoters of the 'Nova Scotia Railway Company' of 1882 failed to float their scheme."

8. Minute of the Lieutenant Governor (Nova Scotia), in Council, 26th November, approving of the report of his Attorney General of 9th November, 1886.
9. Report, Mr. Attorney-General Longley, of 9th November, 1886.

CHAP 16.

Nova Scotia, 49 Vic., c. 16, "An Act respecting the Western Counties Railway Company."

1. Letter of 16th July, 1886, from E. W. Plunkett, notifying the Minister of Justice, that he intends to petition for the disallowance of the said Act, which he states was passed during the last terms of the Legislature.
2. Letter of 3rd August, 1886, from Messrs. Gormully & Sinclair, enclosing petition of Markby, Stewart & Co., next hereinafter mentioned.
3. Petition of Markby, Stewart & Co., of London, England, solicitors, who state that they are proprietors of £45,300 of the "A" debenture stock of the Western Counties Railway Company of Nova Scotia, and pray for the disallowance of the said Act, on the ground that it unjustly and unconstitutionally, and contrary to the express agreements made in that behalf, provides for the sale, with other "A'" debenture stock, of that of which the petitioners are proprietors.
4. Exhibits filed with the said petition, namely:
Letter, 16th August, 1879, from Manager Bank of Montreal, Halifax, to Provincial Secretary of Nova Scotia; and
Letter, 18th August, 1879, from the Provincial Secretary to the Manager.
5. Letter, 3rd August, 1886, from Mr. Plunkett to the Secretary of State, asking that Nova Scotia Government be notified of the petition for disallowance.
6. Letter, 22nd September, 1886, from Gormully & Sinclair to Secretary of State enclosing supplementary petition of Markby, Stewart & Co.
7. Suplementary petition of Markby, Stewart & Co., of similar import to the petition before mentioned, with the same exhibits attached.
8. Letter of 11th August, 1886, from Mr. J. W. Bingay, Secretary of the Western Counties Railway Company to Secretary of State, enclosing copies of—
(*a.*) Letter from R. G. Elwes to Secretary, Western Counties Railway Company, 26th June, 1886.
(*b.*) Answer of the Directors of the Western Counties Railway Company thereto.
(*c.*) Resolution of such Directors respecting disallowance, dated 10th August, 1886.
9. Letter, 30th September, 1886, from Mr. Gormully to the Minister of Justice, denying the statement alleged to have been made by Mr. Elwes that "the promoters of the 'Nova Scotia Railway Company' of 1882, failed to float their scheme"
10. Minute of the Lieutenant Governor of Nova Scotia in Council of 26th November, approving of the report of his Attorney General of 9th November, 1886.
11. Report of Mr. Attorney General Longley of 9th November, 1886.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRTARY OF STATE, OTTAWA, 4th October, 1886.

SIR,—I have the honor to transmit to you herewith copies of the following correspondence on the subject of the disallowance of the Acts passed by the Legislature of the Province of Nova Scotia at its recent Session, Chapters 1 and 16, intituled,

respectively: "An Act to authorize certain grants in aid of railways and to provide for the completion and consolidation of the railways between Halifax and Yarmouth," and "An Act respecting the Western Counties Railway," viz:—

1. Petition from Mr. E. W. Plunkett, without date, to His Excellency the Governor General.
2. Letter from Mr. E. W. Plunkett, dated 16th July, 1886, to the Hon. J. S. D. Thompson, Minister of Justice.
3. Letter from Mr. E. W. Plunkett, dated 26th July, 1886, to the Honorable J. A. Chapleau.
4. Petition from E. W. Plunkett, without date, to His Excellency the Governor General.
5. Letter from Messrs Gormully & Sinclair, dated 3rd August, 1886, to the Honorable J. A. Chapleau.
6. Petition of Messrs. Markby, Stewart & Co., London, England, to His Excellency the Governor General.
7. Letter from F. Gundry, dated 16th August, 1879, to the Hon. S. H. Holmes, Provincial Secretary.
8. Letter from S. H. Holmes, 18th August, 1879, to F. Gundry, Manager Bank of Montreal.
9. Letter from E. W. Plunkett, dated 3rd August, 1886, to the Honorable J. A. Chapleau.
10. Letter from Messrs. Gormully & Sinclair, dated 22nd September, 1886, to the Honorable the Secretary of State.
11. Petition from Messrs. Markby, Stewart & Co. to His Excellency the Governor General.
12. Letter from Mr. F. Gundry, dated 16th August, 1879, to the Honorable S. H. Holmes.
13. Letter from Honorable S. H. Holmes, dated 18th August, 1879, to F Gundry.
14. Letter from Mr. J. W. Bingay, dated 11th August, 1886, to the Honorable A. Chapleau.
15. Letter from Mr. J. W. Bingay, dated 26th June, 1886, to R. G. Elwes.
16. Letter from Mr. R. G. Elwes, dated 26th June, 1886, to J. W. Bingay.
17. Extract from Minutes of Directors' meeting held 10th August, 1886.
18. Letter from Mr. J. J. Gormully, dated 29th September, 1886, to the Honorable the Minister of Justice.
19. Petition from Mr. E. W. Plunkett, dated 29th September, 1886, to His Excellency the Governor General.

I am to request that you will bring these documents under the attention of your advisers to the end that they may be moved to consider them and communicate through you, for the information of His Excellency the Governor General, their views on the subjects referred to.

I have, &c.,

(Signed) HENRY J. MORGAN,
Acting Under Secretary of State.

To His Honor
The Lieutenant-Governor of Nova Scotia,
Halifax, N.S.

Deputy Minister of Justice to Under Secretary of State.

DEPARTMENT OF JUSTICE, OTTAWA, 19th January, 1887.

SIR,—I am directed to transmit to you file of this Department, covering a letter to the Minister of Justice from Mr. H. McD. Henry, Q.C., of Halifax,

praying for the disallowance of the Act of the Legislature of Nova Scotia, passed in the Session held in the year 1886, chapter 3, and intituled: "The Liquor License Act, 1886," and to recommend that a copy of the letter be transmitted to the Lieutenant Governor of Nova Scotia for the information of his advisers, and for such observations as they desire to make in respect of Mr. Henry's application.

I have, &c.,

(Signed) GEO. W. BURBIDGE,
Deputy Minister of Justice.

GRANT POWELL, Esq.,
Under Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 22nd January, 1887.

SIR,—I have the honor to acknowledge the receipt of your letter of the 19th instant, enclosing for transmission of a copy thereof to His Honor the Lieutenant Governor of Nova Scotia, a letter for Mr. H. M. Henry, of Halifax, addressed to the Honorable the Minister of Justice, praying for the disallowance of the Act of the Legislature of Nova Scotia passed in 1886, intituled: "The Liquor License Act, 1886."

I have, &c.,

(Signed) G. POWELL,
Under Secretary of State.

To the Deputy Minister of Justice,
Ottawa.

Mr. H. McD. Henry, Q. C., to the Minister of Justice.

HALIFAX, 13th January, 1887.

SIR,—I have the honor to submit the reasons contained herein for the disallowance of an Act of the Legislature of Nova Scotia, entitled the "Liquor License Act, 1886," passed on the 14th May, A. D. 1886, and Chaptered 3. This application is made for a large number of liquor dealers in the city of Halifax, who are my clients in this behalf.

The Act in question purports to be an Act to regulate the trade in spirituous liquors within the Province of Nova Scotia. It is respectfully submitted that its provisions are not intended in good faith to regulate such traffic, but under the guise of regulation virtually to prohibit all sale of intoxicating liquors in this Province. Also, as I shall seek to show, it encroaches upon the recognized powers of the Parliament of Canada with respect to trade and commerce.

Permit me, in the first place, to direct your attention to those provisions which tend to bear out the statement already made that the Act is, in its essence, prohibitory. Without pausing to notice many details, which are highly vexatious and subversive of trade, introduced here for the first time into any Statute within the Dominion, I beg to call your attention to Section 10: "The petition must be accompanied by a certificate signed by two-thirds of the ratepayers of the polling district in which the premises sought to be licensed are situated. Such polling district shall be that established by law for the purposes of an election for the House of Assembly, or if none such be established, then the polling district used for the last election for the House of Assembly."

It is respectfully submitted that the foregoing provisions are prohibitory. The principle of placing in the hands of people, wholly irresponsible, the power of preventing all trade in any commodity is one which, it is submitted, should be jealously watched in all cases, but when, as in this case, power is placed in the hands of a minority to control the majority, through the simple process of abstaining from any action, and wholly to refuse the right to carry on trade in any article, the provision is highly oppressive and clearly prohibitory. We may easily conceive a case, which, indeed, has actually occurred in this country, where two-thirds of the ratepayers, minus one, petitioned for a certain license to be granted, the fact that one-third of such ratepayers, plus one, omitted signing such petition, rendered the issuing of the license illegal. A provision of this character in a Statute of New Brunswick has been judicially decided to be *ultra vires* by a court over which the present Chief Justice of the Supreme Court of Canada presided. See Reg. *vs.* Kings, 2 Cartwright. I would urge that, if such a power resides in the Legislatures of the Provinces, one step more would enable them to effect, not only virtual prohibition, such as this, but literal and actual prohibition, by requiring not two-thirds only, but an unanimously signed petition.

So soon as the Privy Council decided, as it did in the Queen *vs.* Russell, the Queen *vs.* Hodge, and the Canadian Liquor License case, that prohibition was for the Parliament of Canada, the whole ground would seem to be covered. If the Local Legislature cannot itself prohibit, it cannot, it is submitted, delegate the power of prohibition to others. It may delegate to others any power which it possesses, but it cannot delegate to another body, or any person or persons, a function which it does not possess. Without going into the question whether a recommendation of one or more may not be a reasonable regulation of the issuing of licenses, it is submitted that a provision such as the one in question is, in its essence, prohibitory, and, therefore, void.

Next, the Act is literally and actually prohibitive in one particular, which is urged against its validity. By section 5 it appears that all sales (with one or two trifling exceptions) in quantities less than a pint are forbidden. I cannot see how an Act which provides that merchandise shall not be sold in certain quantities can be said to be other than a prohibitory one. A pint, of course, is a small quantity, and yet is not a greater quantity than the majority of buyers are accustomed to purchase. If no smaller quantity than a pint may be sold the same power could forbid sales in quantities less than a gallon, and so on in an ascending scale, until, though the title of the Act might be that of an Act to regulate or encourage the sale of liquors, it would in effect be as subversive of the traffic as though the whole Act were comprised in one sentence, simply forbidding the purchase or sale of that commodity. Being nominally prohibitory, to this extent at least, it comes nominally under the principle laid down by the Privy Council in Russell *vs.* the Queen. Any attempt to show from the whole Act that it is intended to regulate only, and that this provision is merely a regulation and not, as it seems to be, a prohibition, will result only in shewing that all the provisions of the Act tend in the same direction. Those which have the strongest claim to be regarded as being in the category of regulations are here so strained as to make any traffic in liquor almost an impossibility. This provision is here introduced for the first time into any Act which has been before the courts.

By section 58, sub-section 2, brewers and distillers, duly licensed under the Inland Revenue Act to manufacture fermented or spirituous liquors, are required, before selling the same, to take out a license under this Act. Such a provision tends to abridge, and, if such power resides in the Local Legislatures, may be used to put an end to that source of revenue, which it is unquestionably the prerogative of the Dominion Parliament to create.

At the least it conflicts with such prerogative, and it is here contended that the Local Legislatures cannot pass laws conflicting in any way with the laws of Canada. The Parliament of Canada has the exclusive right to make laws relating to revenue, and it surely could not have been intended by the Imperial Parliament when passing

the British North America Act that the amount of the internal revenue, so to be raised, should depend on the caprice of each of the Provinces, yet it must depend on such caprice, if the business may be weighted down by an additional license fee, rendering the business not worth pursuing. It is therefore submitted that there are special grounds for holding the provisions of the Act to be *ultra vires* as regards brewers, beyond the other grounds upon which it is herein contended that the Act should be disallowed.

I have, &c.,

(Signed) HUGH McD. HENRY.

The Honorable
The Minister of Justice,
Ottawa.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 22nd January, 1887.

SIR,—I have the honor, at the instance of the Minister of Justice, to transmit to you herewith for the information of your Government, and for such observations as they may desire to make thereon, copy of a letter from Mr. H. McD. Henry, Q.C., of Halifax, praying for the disallowance of the Act of the Legislature of Nova Scotia, passed in the Session held in 1886, Chapter 3, and intituled: "The Liquor License Act, 1886."

I have, &c.,

(Signed) G. POWELL,
Under Secretary of State.

To His Honor
The Lieut. Governor of Nova Scotia,
Halifax.

GOVERNMENT HOUSE, HALIFAX, N.S., 26th January, 1886.

SIR,—I have the honor to acknowledge the receipt of Mr. Under Secretary Powell's despatch of the 22nd instant (No. 395 on 513), transmitting, for the information of my Government, a copy of a letter from Mr. H. McD. Henry, Q.C., praying for the disallowance of an Act passed in the last Session of the Legislature of this Province, intituled: "The Liquor License Act, 1886, and I have the honor to state that I have forwarded the same to the members of my Government for such observations as they may desire to make theron.

I have, &c.,

(Sd.) M. H. RICHEY,
Lieutenant Governor.

The Honorable
The Secretary of State for Canada,
Ottawa.

GOVERNMENT HOUSE, HALIFAX, N. S., 12th May, 1887.

SIR,—Referring to my despatch No. 7 of the 26th of January last, acknowledging the receipt of Mr. Under Secretary Powell's despatch of the 22nd of that month

(No. 395 on 513), transmitting, for the information of my Government, a copy of a letter from Mr. H. McD. Henry, Q.C., presenting reasons for the disallowance of an Act passed by the Legislature of this Province, chaptered 3, and intituled: "The Liquor License Act, 1886," I have now the honor to enclose, to be submitted to His Excellency the Governor General in Council, a copy of the Report of the Attorney General of this Province upon Mr. Henry's application, together with a certified copy of a Minute of my Executive Council, adopted in relation thereto on the 5th day of May, instant, and duly approved by me.

I have, &c.,

(Sd.) M. H. RICHEY,
Lieutenant Governor.

The Honorable
The Secretary of State for Canada,
Ottawa.

Report of Hon. Mr. Attorney General Longley upon Chapter 3.

Re Nova Scotia Liquor License Act of 1886.

Regarding the application of Mr. H. McD. Henry, Q.C., to the Honorable the Minister of Justice, asking for the intervention of His Excellency the Governor General to disallow the Act of the Legislature, which has been communicated to His Honor the Lieutenant Governor by the Honorable the Secretary of State for Canada, the Undersigned has the honor to report as follows:—

It is not deemed necessary to enter into any elaborate discussion of the several points so clearly raised and so forcibly presented by Mr. Henry.

The British North America Act, Section 92, Sub-Section 9, defines one of the subjects which come exclusively within the jurisdiction of the Provincial Legislature as follows:—"Shop, saloon, tavern, auctioneer, and other licenses, in order to the raising of a revenue for Provincial, local or municipal purposes."

The interpretation of this clause has elicited endless controversy by the best legal minds in the Dominion, and the best that can be said in regard to its determination is that the Privy Council have decided at last that Acts regulating the sale of intoxicating liquors by license come within the exclusive jurisdiction of the Provincial Legislatures.

Such being the judgment of the ultimate authority on the interpretation of the British North America Act, it is difficult to define the point at which this power to regulate ends.

If the Provincial Legislatures have the right to fix the conditions under which licenses can be issued or granted it is by no means unreasonable to assume that they may within the scope of their jurisdiction impose such conditions as would make the obtaining of license practically impossible. The imposition of punishment by fine, penalty or imprisonment for enforcing any law of the Province made in relation to any matter coming within any of the classes of subjects enumerated in Section 92 is distinctly given by the British North America Act.

There seems to be no limit to this authority and the same objections which are open to the severity of the conditions upon which licenses are granted might be urged against the severity of the penalties imposed. But, in both cases, the undersigned is not aware of any limit.

It seems to the undersigned that the burden of Mr. Henry's objections are more to the propriety of the measure than to its validity. The gravamen of the charge against the Act is that the Legislature have carried their restrictions to such a length that licenses are practically impossible to obtain.

No authority is given to shew that the power is carried beyond the limit which the British North America Act contemplates.

In regard to the objections that the limitation of the sale to quantities not less than a pint involves something which would interfere with trade and commerce, and therefore trench upon a matter within the exclusive jurisdiction of the Federal Parliament, the undersigned submits that some power of regulation must be incident to a license system, and it seems that the provisions in the Act come in the classes of legislation which are within the powers of the Provincial Legislature.

All of which is respectfully submitted,

(Signed) J. W. LONGLEY,
Attorney General.

HALIFAX, 23rd March, 1887.

EXTRACT *from the Minutes of Council passed at Halifax on the 5th day of May A.D.* 1887, *and approved by His Honor the Lieutenant-Governor.*

On a Report from the Attorney General, dated 23rd March, 1887, on the petition of H. McD. Henry, Q. C., to His Excellency the Governor General, praying the disallowance of the Liquor License Act, 1886, on the ground that it is *ultra vires* of the Local Legislature:

The Attorney General reviews the objections of the petitioner and holds that the Act in question is within the authority of the Legislature.

It is recommended that the Attorney General's Report be approved and a copy forwarded to the Secretary of State at Ottawa by His Honor the Lieutenant-Governor.

I certify the foregoing to be a true and correct copy.

(Signed) H. CROSSKILL.
Deputy Provincial Secretary.

Under Secretary of State to Lieutenant-Governor.

DEPARTMENT OF THE SECRETARY OF STATE, Ottawa, 17th May, 1887.

SIR,—With reference to previous correspondence upon the subject, I have now the honor to acknowledge the receipt of your despatch No. 35 of the 12th instant, transmitting, for submission to His Excellency the Governor General in Council, copy of a Report of your Attorney General upon an application of Mr. H. M. Henry, Q. C., for disallowance of the Act of the Nova Scotia Legislature, intituled: "The Liquor License Act, 1886," together with a certified copy of a Minute of your Executive Council in relation thereto, approved by you on the 5th instant.

I have, &c.

(Signed) G. POWELL,
Under Secretary of State.

To His Honor
The Lieutenant-Governor of Nova Scotia,
Halifax, N.S.

Messrs. MEAGHER, DRYSDALE & NEWCOMBE, *to the Hon. the Minister of Justice re Chapter* 56.

HALIFAX, N. S., 30th July, 1886.

SIR,—At the last Session of our Local Legislature an Act was passed Chapter 56, and entitled "An Act concerning the collection of freight warehouse and wharfage charges," and it is our intention at an early day, on behalf of the Eastern Development Company (Limited) and others, to memorialize your Department to have that Act disallowed, and the object of this letter is merely to call your attention to it.

The Act in question, we have good reason for believing, was prepared at the instance of the Honorable Alexander McKay, M. L. C., from South Sydney, and was promoted and passed at his instance and for his benefit.

In the month of December last the Eastern Development Company (Limited), who are operating their copper mines at Coxheath, in Cape Breton County, imported from the States a quantity of machinery for the purpose of their mines, of the value of about seven thousand dollars. When this machinery arrived the season was so far advanced that they could not place it at their mines until this spring, and they requested the Collector of Customs at that port to permit them to place it in some store or upon some wharf, to be considered as a sufferance warehouse, until the opening of spring. This permission was granted and the property was accordingly placed upon the wharf of Mr. McKay. You are aware, of course, that the harbor of North Sydney is closed to navigation from the month of December until May, and often during the greater part of May, and that consequently Mr. McKay could make no use whatever of this wharf in the meantime. Early in the month of June, in the present year, and when the company were about to take steps for the removal of this property to their mine they discovered a notice in the North Sydney *Herald*, inserted by Mr. McKay, of the sale of the property to meet his claims for wharfage and storage. The value of the property, as we have stated, is about seven thousand dollars, and Mr. McKay's claim for wharfage and storage for the period intervening between the time of the goods being landed on his wharf in December and the end of May, amounts to the sum of $1,406.64, and we have no doubt whatever that Mr. McKay procured the passage of this Act in order to enable him to make the grab in question.

You will notice that the Act professes to legalize the tariff agreed to between the various wharf owners in Halifax, and under it Mr. McKay claims—under the words—"All articles put upon a wharf to be at the risk of the owner of the goods "and not the proprietor of the wharf, and if not removed in 48 hours to be subject "to a repetition of the same wharfage as in the first instance, and so on for every "forty eight hours until they shall be removed;" the right to double the wharfage every forty-eight-hours.

Merchants, wharf-owners, and other parties handling goods here denounce the whole proceeding and speak of it as an outrage of the worst kind.

We merely write this to call your attention to the Act, and we will, at an early day, as soon as we can communicate with the company, prepare a formal remonstrance against the allowance of the Act in question.

Yours truly,

(Signed) MEACHER, DRYSDALE & NEWCOMBE.

The Honorable
The Minister of Justice,
Ottawa.

Report of the Hon. the Minister of Justice upon Chapter 56.

DEPARTMENT OF JUSTICE, OTTAWA, 30th March, 1887.

To His Excellency the Governor General in Council :

The undersigned has the honor to report that by the Act 49 Victoria, 1886, Chapter 56, intituled "An Act concerning the collection of freight and wharfage and warehouse charges," the Legislature of Nova Scotia has, with a few changes and additions re-enacted the provisions of the Merchant's Shipping Act Amendment Act, 1867, relating to the delivery of goods, and lien for freight (ss. 66, 77.) The latter Act by its terms is to be construed with and to form part of the Merchant Shipping Act, 1854, by the 517th section of which it is provided that the legislative authority of any British possession shall have power by any Act or Ordinance, confirmed by Her Majesty in Council, to repeal wholly or in part any provisions of the Act relating to ships registered in such possession, but no such Act or Ordinance shall take effect until such approval has been proclaimed in such possession, or until such time thereafter as may be fixed by such Act or Ordiannce for the purpose. Acting within these powers and the exclusive legislative authority conferred upon it by the 91st Section of the British North America Act, 1867, the Parliament of Canada has from time to time passed Acts respecting navigation and shipping, and trade and commerce, in its relation to these subjects. Subject to this legislation the Merchant Shipping Act, 1854, and its amending Acts are in force in Canada.

In the opinion of the undersigned the Legislature of the Province of Nova Scotia exceeded its powers in passing the Act under consideration, and he therefore recommends that it be disallowed.

(Signed) JOHN S. D. THOMPSON,
Minister of Justice.

CERTIFIED COPY *of a Report of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 11th April,* 1887.

On a memorandum dated 30th March, 1887, from the Minister of Justice representing that by the Act 49 Victoria (1886) Chapter 56, intituled : "An Act concerning the collection of freight and wharfage and warehouse charges," the Legislature of Nova Scotia has, with a few changes and additions, re-enacted the provisions of "The Merchants Shipping Act Amendment Act, 1862, relating to the delivery of goods and lien for freight (ss. 66 and 67). That the latter Act by its terms is to be construed with and to form part of "The Merchant Shipping Act, 1854," by the 54th section of which it is provided that the Legislative authority of any British possession shall have power by any Act or Ordinance confirmed by Her Majesty in Council to repeal wholly or in part any provision of the Act relating to ships registered in such possessions, but no such Act or Ordinance shall take effect until such approval has been proclaimed in such possession or until such time thereafter as may be fixed by such Act or Ordinance for the purpose.

The Minister further represents that, acting within these powers and the exclusive Legislative authority conferred upon it by the 91st section of "The British North America Act, 1867," the Parliament of Canada has, from time to time, passed Acts respecting navigation and shipping, and trade and commerce, in its relation to these subjects ; That subject to this legislation, "The Merchant Shipping Act, 1854," and its amending Acts are in force in Canada.

The Minister submits that in his opinion the Legislature of the Province of Nova Scotia exceeded its powers in passing the Act under consideration, and therefore recommends that it be disallowed.

The Committee concur in the above and advise that the said Act be disallowed accordingly, and that the Secretary of State be authorized to communicate the same to the Lieutenant Governor of Nova Scotia for the information of his Government.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

Proclamation disallowing Chapter 56.

GOVERNMENT HOUSE, OTTAWA, MONDAY, the 11th day of April, A. D. 1887.

PRESENT:

His Excellency the Governor General in Council.

Whereas the Lieutenant Governor of the Province of Nova Scotia with the Legislative Council and Legislative Assembly of that Province did, on the 11th day of May, 1886, pass an Act which has been transmitted, chaptered 56, and intituled: "An Act concerning the collection of Freight and Wharfage and Warehouse Charges;"

And whereas the said Act has been laid before His Excellency the Governor General in Council, together with a Report from the Minister of Justice recommending that the said Act be disallowed:

His Excellency the Governor General in Council has thereupon been pleased to declare his disallowance of the said Act, and the same is disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Nova Scotia and all other persons whom it may concern are to take notice and govern themselves accordingly.

(Signed) JOHN J. McGEE,
Clerk Privy Council.

I, Sir Henry Charles Keith Petty Fitzmaurice, Marquis of Lansdowne, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of Nova Scotia on the 11th day of May, 1886, chaptered 56, and intituled: "An Act concerning the Collection of Freight and Wharfage and Warehouse Charges," was received by me on the 15th day of September, A. D. 1886.

Given under my hand and seal this 11th day of April, 1887.

(Signed) LANSDOWNE.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 16th April, 1887.

To His Honor
The Lieutenant Governor of Nova Scotia,
Halifax, N. S.

SIR,—Referring to my letter of the 14th instant, I have now the honor to acquaint you, for the information of your Government, that the Governor General has had under his consideration in Council an Act passed by the Legislature of the Province of Nova Scotia in the year 1886, chaptered 56, and intituled: "An Act concerning the Collection of Freight and Wharfage and Warehouse Charges."

In such Act, His Excellency is advised, the Legislature of Nova Scotia has, with a few additions and changes, re enacted the provisions of "The Merchants' Shipping Act Amendment Act, 1862," relating to the delivery of goods and lien for freights (s.s. 66, 77). That the latter Act by its terms is to be construed with and to form part of "The Merchants' Shipping Act, 1854" by the 547th section of which it is provided that the Legislative authority of our British possessions shall have power by any Act or Ordinance confirmed by Her Majesty in Council, to repeal wholly or in part any provision of the Acts relating to ships registered in such possession, but no such Act or Ordinance shall take effect until such approval has been proclaimed in such possession or until such time thereafter as may be fixed by such Act or Ordinance for the purpose.

His Excellency is further advised that acting within these powers the exclusive Legislative authority conferred upon it by the 91st Section of the British North America Act, 1867, the Parliament of Canada has from time to time passed Acts respecting navigation and shipping, and trade and commerce, in its relation to these subjects, and that, subject to this legislation, "The Merchants Shipping Act, 1854," and its amending Acts are in force in Canada.

In the opinion of His Excellency's advisers, the Legislature of the Province of Nova Scotia exceeded its powers in passing the Act under consideration, and His Excellency is consequently advised that it be disallowed.

I have, therefore, to state that the Governor General in Council has been pleased to declare his disallowance of the said Act, and I now transmit to you, herewith, a certified copy of the Order in Council upon the subject, together with the certificate of His Excellency as to the date of receipt of the Act.

I have, &c.,

(Signed) J. A. CHAPLEAU,
Secretary of State.

Hon. Provincial Secretary to Secretary of State.

HALIFAX, 14th January, 1887.

SIR,—Certain petitions were received by the Dominion Government praying the disallowance by His Excellency the Governor General of two Acts of the Legislature of Nova Scotia, 1886, relating to railways—Chapters 1 and 16. Copies of the petitions were forwarded to the Government of Nova Scotia, and reports thereon by the Attorney General of the Province were transmitted to you by His Honor the Lieutenant Governor.

In view of proposed action by the Government of Nova Scotia in relation to railways, it is desirable that the determination of His Excellency the Governor-General, as respects these Acts, be ascertained. I have the honor to request that the Government of Nova Scotia be informed at the earliest convenient time, whether the Acts in question will be left to their operation.

I have, &c.,

(Signed) W. S. FIELDING,
Provincial Secretary.

Hon. J. A. CHAPLEAU,
Secretary of State,
Ottawa.

Under Secretary of State to Honorable Provincial Secretary.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 18th January, 1887.

SIR,—I have the honor to acknowledge the receipt of your letter of the 14th instant, asking for information as to the determination of His Excellency the Governor General in reference to two Acts of the Legislature of Nova Scotia, 1886, Chapters 1 and 16, relating to railways, and to state that the matter will receive consideration.

I have, &c.,

(Signed) G. POWELL,
Under Secretary of State.

To the Honorable
The Provincial Secretary, Halifax, N.S.

Deputy Minister of Justice to Under Secretary of State.

DEPARTMENT OF JUSTICE, OTTAWA, 21st January, 1887.

Memorandum for the Under Secretary of State.

On the reference of a letter from the Provincial Secretary of Nova Scotia, asking for information with respect to the action of the Government in relation to certain Acts of the Legislature of that Province relating to railways, the undersigned has the honor, by direction, to recommend that Mr. Fielding be informed that on the 13th instant, an order of the Governor in Council was passed, leaving the Act 49 Victoria, Chapter 1 (The Railways Aid and Consolidation Act, 1886) to its operation; and, with respect to Chapter 16, intituled: "An Act respecting the Western Counties Railway Company," that the matter is still under the consideration of the Government, upon petitions for the disallowance thereof.

(Signed) A. POWER,
for Deputy Minister of Justice.

Under Secretary of State to Hon. the Provincial Secretary.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 24th January, 1887.

SIR,—Adverting to the subject of your letter of the 14th instant, applying for information with respect to the action of this Government in relation to certain Acts of the Legislature of Nova Scotia relating to railways, I have the honor, at the instance of the Minister of Justice, to inform you that on the 13th instant, an order of the Governor General in Council was passed leaving the Act 49 Victoria, Chapter 1 (The Railways Aid and Consolidation Act of 1886) to its operation; and with respect to Chapter 16, intituled: "An Act respecting the Western Counties Railway Company," that the matter is still under the consideration of the Government, upon petitions for the disallowance thereof.

I have, &c.,

(Signed) G. POWELL,
Under Secretary of State.

The Honorable
The Provincial Secretary of Nova Scotia,
Halifax, N. S.

Under Secretary of State to the Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 28th January, 1887.

SIR,—I have the honor to acquaint you that a letter has been received from the Provincial Secretary of Nova Scotia, dated the 18th instant, asking for information with respect to the action of this Government in relation to certain Acts of the Legislature of that Province relating to railways, and to state that Mr. Fielding has been informed that on the 13th instant an order of His Excellency the Governor General in Council was passed leaving the Act 49 Victoria, Chapter 1 (The Railways Aid and Consolidation Act, 1886) to its operation, and with respect to Chapter 16, intituled: "An Act respecting the Western Counties Railway Company," that the matter is still under the consideration of the Government, upon petitions, for the disallowance thereof.

I have, &c.,

(Signed) G. POWELL,
Under Secretary of State.

To His Honor
The Lieutenant Governor of Nova Scotia,
Halifax, N. S.

Deputy Minister of Justice to Mr. J. J. Gormully.

Department of Justice, Ottawa, 20th January, 1887.

SIR,—With reference to previous correspondence in the matter of the petitions of Mr. H. W. Plunkett, Messrs. Markby, Stewart, and Company, and the Western Counties Railway, for disallowance of Chapters 1 and 16 of the Acts of the Legislature of Nova Scotia, 1886, I have the honor to enclose herewith a certified copy of an Order in Council of the Lieutenant Governor of Nova Scotia, dated the 26th November, 1886.

I have, &c.

(Sd.) G. W. BURBIDGE.
Deputy Minister of Justice.

J. J. GORMULLY, Esq.,
Messrs. GORMULLY & SINCLAIR,
Ottawa.

Messrs. Elwes Tust and Scott to the Hon. Minister of Justice.

RUSSELL HOUSE, OTTAWA, 8th October, 1886.

SIR,—We understand that the Statutes passed by the Legislature of Nova Scotia at their last Session have now been submitted for the assent of the Governor in Council. There are three of these Acts in which the Company we represent is interested, viz.:

The Railways Aid and Consolidation Act, 1886—Chap. 1.
The Halifax and Great Western Railway Company's Act, 1886—Chap. 2; and
An Act respecting the Western Counties Railway Company—Chap. 16.

We have the honor respectfully to request that these Acts may be examined, and if approved may be assented to, at as early a date as possible, inasmuch as the transactions authorized by them cannot conveniently be entered upon until the assent of the Governor in Council has been notified.

We have, &c.

(Signed.) R. GERVASE ELWES,
M. TUST, C. E.
C. A. SCOTT,
On behalf of the Halifax and Great Western Railway Company.

THE HON. J. S. D. THOMPSON,
MINISTER OF JUSTICE.

Deputy Minister of Justice to Mr. R. G. Elwes.

DEPARTMENT OF JUSTICE, OTTAWA, 3rd February, 1887.

SIR,—I am directed to acknowledge the receipt of your communication of the 19th January, enclosing copy of a letter to the Minister of Railways and Canals on the subject of an Act passed by the Legislature of the Province of Nova Scotia in the Session held in the year 1886, Chapter 2, intituled: "An Act to incorporate the Halifax and Great Western Railway Company."

I have, &c.,

(Signed) GEO. W. BURBIDGE,
Deputy Minister of Justice.

R. G. ELWES, Esq.,
Russell House, Ottawa.

Deputy Minister of Justice to Secretary Department of Railways and Canals.

DEPARTMENT OF JUSTICE, OTTAWA, 3rd February, 1887.

SIR,—I have the honor to transfer to you fyle of this Department covering correspondence from Mr. Elwes, on the subject of an Act passed by the Legislature of the Province of Nova Scotia, in the Session held in the year 1886, Chapter 2, intituled: "An Act to incorporate the Halifax and Great Western Railway Company."

The correspondence is, I assume, occasioned by a remark which I had made to Mr. Elwes that I was informed that the Minister of Railways and Canals was of opinion that the powers granted by this charter were open to some question.

I have, &c.,

(Signed) GEO. W. BURBIDGE,
Deputy Minister of Justice.

The Secretary of the Department of Railways and Canals.

Report of the Hon. the Minister of Justice upon Chapter 1.

DEPARTMENT OF JUSTICE, OTTAWA, 10th January, 1887.

To His Excellency the Governor General in Council:

The undersigned has the honor to submit his Report upon Chapter one (1) of the Acts of the Legislature of Nova Scotia, passed in the Session held in the year 1886, intituled: "An Act to authorize certain grants in aid of railways, and provide for the completion and consolidation of the railways between Halifax and Yarmouth."

Certain petitions have been received praying for the disallowance of this Act, which has been submitted to the Lieutenant Governor of Nova Scotia, who has favored Your Excellency with the views of his advisers with respect thereto.

The undersigned after a consideration of all the papers (a schedule of which is attached hereto) and being of opinion that the Act is within the competency of the Legislature of Nova Scotia, recommends that it be left to its operation.

The undersigned also recommends that in communicating to the Lieutenant Governor of Nova Scotia, the fact that the Act has been left to its operation, he be informed that no inference is to be drawn therefrom that Your Excellency's Government concur in the recital contained in the 3rd paragraph of the 12th section of of the said Act, nor in any manner admit any liability to the Government of Nova Scotia for any subsidies, moneys or aids heretofore granted, or that may hereafter be granted by that Province in connection with the lines of railway mentioned in the 20th section of the said Act.

(Signed) JNO. S. D. THOMPSON,
Minister of Justice.

Schedule referred to in Report of 10th January, 1887.

Chapter 1. Nova Scotia, 49 Victoria, Chapter 1, "An Act to authorize certain grants in aid of railways, and to provide for the completion and consolidation of the railways between Halifax and Yarmouth."

1. Petition to His Excellency, of June, 1886 (but without date), from E. W. Plunkett, representing certain holders of "A" debenture stock of the Western Counties Railway of Nova Scotia, praying for disallowance of said Act, on the ground that it arbitrarily provides for the expropriation of petitioner's property without due or adequate provison for compensation, and that it was passed hastily and without due notice.

2. Letter of 26th July, 1886, from Mr. Plunkett to the Secretary of State, enclosing petition next hereinafter mentioned.

3. Petition of Mr. Plunkett, supplementary to his petition of June, 1886, praying for the disallowance of the said Act, and giving particulars to establish that the Act provides for the arbitrary expropriation of the property of the Western Counties Railway Company, without making proper provision for compensating those interested in the undertaking.

4. Letter of 11th August, 1886, from Mr. J. W. Bingay, Secretary of the Western Counties Railway Company, to Secretary of State, and enclosing,—

(*a.*) Letter from R. G. Elwes to Secretary Western Counties Railway Company, 26th June, 1886.

(*b.*) Answer of the directors of the Western Counties Railway Company, thereto.

(*c.*) Resolution such directors respecting disallowance, dated 10th August 1886.

5. Letter of 29th September, 1886, from Mr. Gormully to the Minister of Justice, enclosing supplementary petition from Mr. Plunkett, praying for the disallowance of said Act.

6. Supplementary petition, last referred to, from Mr. Plunkett, further objecting to the said Act on the ground that the Government of Nova Scotia have not the powers of disposition over the Western Counties Railway, which, by the said Act, they are recited to have; and that in any event the use of such powers, not in an open, fair, and reasonable manner, and so as to obtain the highest possible price, but for the purpose of handing the property over to another company, would be a gross breach of trust.

7. Letter of 30th September, 1886, from Mr. Gormully to the Minister of Justice, denying the statement alleged to have been made by Mr. Elwes, that "the promoters of the 'Nova Scotia Railway Company' of 1882 failed to float their scheme."

8. Minute of the Lieutenant Governor of Nova Scotia in Council of November, 1886, approving of the Report of the Attorney General of 9th November, 1886.

9. Report of Mr. Attorney General Longley of 9th November, 1886.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the* 13*th January*, 1887.

The Committee of the Privy Council have had under consideration a Report dated 10th January, 1887, from the Minister of Justice, upon Chapter 1 of the Acts of the Legislature of Nova Scotia, passed in the Session held in the year 1886, intituled: "An Act to authorize certain grants in aid of Railways, and to provide for the completion and consolidation of the Railways between Halifax and Yarmouth."

The Minister represents that certain petitions have been received praying for the disallowance of this Act, which have been submitted to the Lieutenant Governor of Nova Scotia, who has favored Your Excellency with the views of his advisers with respect thereto.

The Minister of Justice, after a consideration of all the papers, and being of opinion that the Act is within the competency of the Legislature of Nova Scotia, recommends that it be left to its operation.

The Minister also recommends that in communicating to the Lieutenant Governor of Nova Scotia the fact that the Act has been left to its operation, he be informed that no inference is to be drawn therefrom that Your Excellency's Government concurs in the recital contained in the third paragraph of the 12th section of the said Act, or in any manner admit any liability to the Government of Nova Scotia for any subsidies, moneys or aids heretofore granted, or that may hereafter be granted by that Province in connection with the lines of railway mentioned in the 20th section of the said Act.

The Committee submit the foregoing recommendations for Your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

General Report of the Hon. the Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 30th March, 1887.

To His Excellency the Governor-General in Council:

The undersigned has the honor to submit for consideration his Report on the Acts passed by the Legislature of the Province of Nova Scotia in the Session of 1886, authentic copies of which were received by the Secretary of State on the 15th September last.

1. Chapter 1, intituled: "An Act to authorize certain grants in aid of Railways, and to provide for the completion and consolidation of the railways between Halifax and Yarmouth," was left to its operation by an Order in Council dated the 13th day of January, 1887.

2. Chapter 2, intituled: "An Act to incorporate the Halifax and Great Western Railway Company;" Chapter 16, intituled: "An Act respecting the Western Counties Railway Company," and Chapter 36, intituled: "An Act concerning the collection of Freight, and Wharfage and Warehouse Charges," will be made the subjects of separate reports.

3. To Chapter 3, intituled: "An Act respecting the sale of intoxicating Liquors," objection is taken by Mr. Henry, acting for a large number of liquor dealers in the City of Halifax.

A communication on the subject was addressed to the Lieutenant Governor of Nova Scotia on the 22nd day of January last, but with the exception of a formal acknowledgment no reply has been received.

4. To the fourth and fifth sections of Chapter 5, intituled: "An Act respecting Public Charities," it is objected by Mrs. Maria Kearney, by her solicitor, Mr. T. J. Wallace, that they were enacted with the intention chiefly to prevent her from recovering the land described in lot 1, in the schedule to the said Act mentioned. The undersigned submitting herewith Mrs. Kearney's petition and the answer of the Government of the Province of Nova Scotia thereto, and being of opinion that the Act is within the Legislative authority of the Legislature of that Province, recommends that it be left to its operation.

5 By the 15th section of Chapter 81, intituled: "An Act to provide for the management and improvement of the Cemetery in Upper Stewiacke, in the County of Colchester," it is among other things provided that "any person who shall wilfully destroy, injure or carry away any fence, gate, monument, mound, embankment, tree or plant, or other property, in or upon the lands or burial grounds of the corporation, whether there naturally or the work of art, shall be punished by a fine of not less than five dollars nor more than fifty dollars, to be recovered upon summary conviction before any two Justices of the Peace for the County of Colchester, &c." Every such wilful destruction or injury is already punishable under the general criminal law, respecting malicious injuries to property. (R. S C., c. 168, ss. 23, 24, 27, 42, 58 and 59), and every such wilful carrying away under the Larceny Act (R. S. C., c. 164, ss. 17, 19, 21 and 85). Apart from the question of legislative authority and the fact that the provision is unnecessary, there is the further objection that enactments of this character should not be inserted in private Acts, but should appear in the public general law, in order that every one may have the fullest opportunity of being aware thereof.

These observations are equally applicable to the following Acts:—

(*a.*) Chapter 136, intituled: "An Act to incorporate the Forest Hill Cemetery Company, County of Colchester," section 14.

(*b.*) Chapter 147, intituled: "An Act to incorporate the Trustees of South Brook Cemetery, in the County of Inverness," section 15; and

(*c.*) Chapter 168, intituled: "An Act to incorporate the Plymouth Cemetery Company," section 18.

The undersigned is of opinion that the Legislature of Nova Scotia should be

afforded an opportunity of amending the Acts mentioned, either by striking out of the sections referred to the objectionable provisions, or by repealing the section, and embodying in a general statute, applicable to all cemeteries, such of the remaining provisions as are thought necessary, and within its legislative authority.

6. Section 176 of Chapter 86, intituled: "An Act to amend the Acts relating to the town of Dartmouth," by which a peace officer is given authority to arrest without warrant persons committing certain offences, not only trenches upon the criminal law, but is unnecessary, as such officers, by the Revised Statutes of Canada, Chapter 174, Section 24, have the power so to arrest in any case in which a person is found committing any offence punishable either upon indictment or upon summary conviction. The undersigned thinks the section should be repealed.

By the 182nd section of the same Act, it is provided that all fines and forfeitures collected in the Stipendiary Magistrates Court or in the Police Office of the town, shall be paid into and form part of the general revenues of the town. In view of the jurisdiction of the Stipendiary Magistrate of Dartmouth, under the Criminal Law and other statutes of Canada, this section should be so amended as to limit its application to fines and forfeitures subject to the legislative authority of the Legislature, which clearly has no power of disposition over fines or forfeitures recoverable or enforceable under any Act of the Parliament of Canada.

By the 192nd section of the same Act the Town Council of Dartmouth is given power to make by-laws to regulate, among other things, the following subjects:—

(5.) The use and management of docks, wharves, landings and cranes, and fixing the rate of dockage, wharfage, and cranage in all cases within the town.

(6.) The weighing and measurement of salt, coal and wood, lumber, shingles, logs, timber and hay, straw and grain, and fixing the rates therefor.

(15.) The prevention of vice, immorality and indecency in the public streets, highways and other public places, and prevention of profanation of the Sabbath.

(20.) Regulation of the discharging and depositing of ballast in all portions of the harbor of Halifax.

The 20th paragraph should, the undersigned thinks, for obvious reasons, be repealed, and the 5th confined to docks, wharves, landings and cranes, which are the property of the town, or, if extended to those which are owned by private persons, should be so extended, subject to any legislation at any time enacted by the Parliament of Canada, respecting trade and commerce, navigation and shipping, or public harbors, which, by the British North America Act, 1867, and the decisions of the Supreme Court of Canada in Holman *vs.* Green, are the property of Canada, and as such, would not be subject to legislation by the Legislature of a Province.

The 6th and 15th paragraphs may, the undersigned thinks, be treated as a delegation to the Town Council of police powers and not as an attempted delegation of powers of legislation respecting weights and measures and the criminal law, and as such not open to serious objection.

The observations made respecting Chapter 86 apply also to Chapter 98, intituled: "An Act to incorporate the Town of Kentville," and Chapter 105, intituled: "An Act to consolidate and amend the Acts relating to the town of New Glasgow." The corresponding sections of the several Acts are as follows:—

c. 86, s. 176;	c. 98, s. 238;	c. 105, s. 229.
do s. 182;	do s. 244;	do s. 235.
do s. 198;	do s. 253;	do s. 241.
do p. 5;		do p. 5.
do p. 6;	do p. 5;	do p. 6.
do p. 15;	do p. 15;	do p. 16.
do p. 20;	do p. 20;	do p. 21.

The undersigned recommends that the substance of this report if approved, be communicated to the Lieutenant Governor of Nova Scotia, and that Your Excellency

defer for the present the further consideration of Chapters 3, 81, 86, 98, 105, 136, 147 and 168.

The undersigned further recommends that the Acts, the chapters and titles of which are given in the annexed schedule, be left to their operation, and that the Lieutenant Governor of Nova Scotia be informed thereof.

(Signed) JOHN S. D. THOMPSON,
Minister of Justice.

CERTIFIED *Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 5th April*, 1887.

The Committee of the Privy Council have had under consideration the Report dated 30th March, 1887, from the Minister of Justice upon the Acts passed by the Legislature of the Province of Nova Scotia in the Session of 1886, except Chapter 1, left to its operation by Order in Council dated 13th January, 1887; Chapter 2, intituled: "An Act to incorporate the Halifax and Great Western Railway Company;" Chapter 16, intituled: "An Act respecting the Western Counties Railway Company," and Chapter 56, intituled: "An Act concerning the Collection of Freight and Wharfage and Warehouse Charges," which will be made the subjects of separate reports.

The Committee recommend that Your Excellency defer for the present the further consideration of Chapter 3, intituled: "An Act respecting the sale of Intoxicating Liquors;" Chapter 81, "An Act to provide for the management and improvement of the Cemetery in Upper Stewiacke, in the County of Colchester;" Chapter 86, "An Act to amend the Acts relating to the Town of Dartmouth;" Chapter 98, "An Act to incorporate the Town of Kentville;" Chapter 105, "An Act to consolidate and amend the Acts relating to the Town of New Glasgow;" Chapter 136, "An Act to incorporate the Forest Hill Cemetery Company in the County of Colchester;" Chapter 147, "An Act to incorporate the Trustees of South Brook Cemetery in the County of Inverness," and Chapter 168, "An Act to incorporate the Plymouth Cemetery Company," and that the substance of the annexed Report thereon be communicated to the Lieutenant Governor of Nova Scotia for the information of His Government.

The Committee further recommend that the Acts, the chapters and titles of which are given in the annexed Schedule, be left to their operation and that the Lieutenant Governor be so informed.

All which is respectfully submitted for Your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

SCHEDULE.

NOVA SCOTIA, 49 VICTORIA, 1886.

Chap. 4. An Act to amend the Liquor License Act, 1886.

Chap. 5. An Act respecting Public Charities.

Chap. 6. An Act to amend Chapter 3 of the Revised Statutes, Fifth Series, "Of the Composition, Powers and Privileges of the Houses."

Chap. 7. An Act respecting corrupt practices at Elections of Members to the House of Assembly.

Chap. 8. An Act to amend Chapter 4, Revised Statutes, "Of the Election of Members of the House of Assembly."

Chap. 9. An Act to amend Chapter 7 of the Revised Statutes, "Of Mines and Minerals."

Chap. 10. An Act to amend Chapter 8, Revised Statutes, "Of the Regulation of Mines."

Chap. 11. An Act to amend Chapter 20, of the Revised Statutes, "Of Jails and other County Buildings."

Chap. 12. An Act to amend Chapter 29 of the Revised Statutes, "Of Public Instruction," and certain other enactments.

Chap. 13. An Act to amend Chapter 29, Revised Statutes, "Of Public Instruction."

Chap. 14. An Act to amend Chapter 29, Revised Statutes, "Of Public Instruction."

Chap. 15. An Act to amend Chapter 29, Section 35, Revised Statutes, "Of Public Instruction."

Chap. 17. An Act to amend Chapter 40 of the Acts of 1873, intituled: "An Act to incorporate the Nictaux and Atlantic Railway Company," and the Acts in amendment thereof."

Chap. 18. An Act to amend Chapter 24, Revised Statutes, "Of Practitioners of Medicine and Surgery."

Chap. 19. An Act to amend Chapter 32, Revised Statutes, "Of the Education of the Blind."

Chap. 20. An Act to amend Chapter 32, Revised Statutes, "Of the Settlement and support of the Poor."

Chap. 21. An Act to amend Chapter 39 of the Revised Statutes, "Of the Encouragement of Agriculture."

Chap. 22. An Act to amend Chapter 42, Revised Statutes, "Of Commissioners of Sewers and of Dyked and Marsh Lands."

Chap. 23. An Act to amend Chapter 56 of the Revised Statutes, Fifth Series, "Of County Incorporations."

Chap. 24. An Act to amend Chapter 56 of the Revised Statutes, "Of County Corporations."

Chap. 25. An Act to amend Chapter 56 of the Revised Statutes, "Of County Corporations."

Chap. 26. An Act to amend Chapter 57 of the Revised Statutes, Fifth Series, "Of Controverted Elections of Municipal and Town Councillors, and of corrupt practices."

Chap. 27. An Act to amend Chapter 58 of the Revised Statutes, "Of Municipal Assessments."

Chap. 28. An Act to amend Chapter 67, Revised Statutes, "Of Fences and Impounding of Cattle."

Chap. 29. An Act to amend Chapter 76 of the Revised Statutes, "Of the Preservation of Useful Birds and Animals."

Chap. 30. An Act to amend Chapter 79, Revised Statutes, "Of Joint Stock Companies."

Chap. 31. An Act to amend Chapter 84, Revised Statutes, "Of the Registry of Deeds and Encumbrances affecting Lands."

Chap. 32. An Act to amend Chapter 92 of the Revised Statutes, "Of the Prevention of Frauds on Creditors by secret Bills of Sale."

Chap. 33. An Act to amend Chapter 100, Revised Statutes, "Of the Probate Court."

Chap. 34. An Act to amend Chapter 105 of the Revised Statutes, "Of County Courts" and procedure therein.

Chap. 35. An Act to amend Chapter 108 of the Revised Statutes, Fifth Series, "Of Barristers and Attorneys."

Chap. 36. An Act to amend Chapter 109 of the Revised Statutes, "Of Judges, Justices and other Judicial Officers,

Chap. 37. An Act to amend Chapter 112 of the Revised Statutes, Fifth Series, "Of the Limitation of Actions."

Chap. 38. An Act to amend Chapter 25 of the Revised Statutes, "Of Tenancies and distress for Rent."

Chap. 39. An Act to amend Chapter 128 of the Revised Statutes, Fifth Series, "Of Costs and Fees."

Chap. 40. An Act to amend Chapter 128, Revised Statutes, "Of Costs and Fees."

Chap. 41. An Act to provide for a free bridge across the Avon River, between Windsor and Falmouth, in the County of Hants.

Chap. 42. An Act to legalize Jury Lists and Panels, and Assessment Rolls, and Revisers' Lists for the present year.

Chap. 43. An Act respecting the Steamship Service on the Western Coast of the Province.

Chap. 44. An Act respecting Gaols, Municipal Lunatic Asylums and Poor Houses.

Chap. 45. An Act to legalize and confirm certain proceedings in the Supreme Court of Nova Scotia.

Chap. 46. An Act to amend Chapter 36 of the Acts of 1885, entitled: "An Act to provide for the appointment of a Taxing Master."

Chap. 47. An Act to remove doubts in relation to certain Acts of the Legislature.

Chap. 48. An Act relating to Executors and Administrators *cum testamento annexo.*

Chap. 49. An Act to amend the law relating to the Courts of Divorce and Matrimonial Causes.

Chap 50. An Act to amend the Nova Scotia Judicature Act, 1884.

Chap. 51. An Act to amend Chapter 20 of the Acts of 1883, entitled: "An Act respecting Bridges" and Acts in amendment thereof.

Chap. 52. An Act to amend the Act relating to the Expenditure of Provincial Roads and Bridge Grants.

Chap. 53. An Act to remove doubts as to the eligibility of certain classes of persons for election as Municipal and Town Councillors.

Chap. 54. An Act to provide for the Registration of Horses for Breeding Purposes.

Chap. 55. An Act respecting the claims of Charles C. Gregory.

Chap. 57. An Act to provide for the formation of Mutual Fire Insurance Companies.

Chap. 58. An Act to provide for defraying certain expenses of the Civil Government of the Province.

LOCAL ACTS.

Chap. 59. An Act relating to the City of Halifax.

Chap. 60. An Act to amend the Halifax City Assessment Act of 1883.

Chap. 61. An Act to allow the City of Halifax to convey certain lands.

Chap 62. An Act in relation to the purchase of Dalhousie College Building by the City of Halifax.

Chap. 63. An Act in relation to the Stipendiary Magistrate for the City of Halifax.

Chap. 64. An Act to amend Chapter 53 of the Acts of 1885, providing for an additional District for Municipal and Electoral purposes in the County of Halifax.

Chap. 65. An Act to enable the Municipality of Halifax County to purchase and equip a Farm for the Poor.

Chap. 66. An Act in relation to Lunatics confined in the Hospital for the Insane and chargeable to the County of Halifax.

Chap. 67. An Act to change the name of a Settlement in the County of Halifax.

Chap. 68. An Act to amend and consolidate the Acts relating to the Halifax Protestant Orphans' Home.

Chap. 69. An Act to authorize the Sale of a Lot of Land purchased for Fire Purposes in the Town of Annapolis.

Chap. 70. An Act to change the boundaries of Polling Districts Nos. 5 and 11 in the County of Antigonish.

Chap. 71. An Act to change the name of a Settlement in the County of Antigonish.

Chap. 72. An Act to enable the surviving trustees of a church in Baddeck in connection with the Church of Scotland, to convey certain lands to the Trustees of the Presbyterian Congregation of Baddeck in connection with the Presbyterian Church in Canada.

Chap. 73. An Act to alter and enlarge the Eastern Boundary of Polling District No. 6, in the County of Cape Breton.

Chap. 74. An Act to amend the Act to authorize the Municipality of Cape Breton to guarantee interest on certain Mortgage Bonds, and to assess the Municipality for the annual payment of the interest guaranteed thereon.

Chap. 75. An Act to revive and amend the Act to incorporate the Cape Breton Railway Extension Company, Limited.

Chap. 76. An Act to incorporate the Cape Breton Railway, and annex Steamboat Company, Limited.

Chap. 77. An Act to legalize proceedings of the Warden and Councillors for the Town of Sydney in the County of Cape Breton.

Chap. 78. An Act to amend Chapter 31 of the Acts of 1882, relating to Electoral Districts in the County of Colchester.

Chap. 79. An Act to amend an Act to enable the Municipality of Colchester to borrow money to build a Registry Office.

Chap. 80. An Act to enable the Municipality of Colchester to borrow money to defray existing claims.

Chap. 82. An Act to authorize the sale of the old Town Hall in Upper Stewiacke, in the County of Colchester.

Chap. 83. An Act to amend an Act to enable the Municipality of Cumberland to borrow money for railway purposes.

Chap. 84. An Act to further amend the Act to authorize the removal of an Aboiteau across the La Planche River.

Chap. 85. An Act to authorize the construction of an Aboiteau in the County of Cumberland.

Chap. 87. An Act to enable the Municipality of Digby to borrow money for fire purposes.

Chap. 88. An Act to authorize the sale of the Reformed Episcopal Church at Digby.

Chap. 89. An Act to change a Polling Place in the County of Guysborough.

Chap. 90. An Act to divide Melford Polling District in the County of Guysborough.

Chap. 91. An Act to amend the Act passed during the present Session of the Nova Scotia Legislature to divide Melford Polling District in the County of Guysborough.

92. An Act to provide for Settlement by Arbitration of matters in dispute relative to railway damages between the Municipalities of Guysborough and St. Mary's.

Chap. 93. An Act to enable the Municipality of Guysborough to borrow money to construct a road.

Chap. 94. An Act to add a Polling District in the Municipality of Inverness.

Chap. 95. An Act to add a Polling District in the County of Inverness.

Chap. 96. An Act to alter the boundary lines of certain Polling Districts in the County of Inverness.

Chap 97. An Act to determine the name of a Settlement in the County of Inverness.

Chap. 99. An Act to enable the Municipality of Lunenburg to borrow money to procure a Steam Fire Engine for the Fire District of Lunenburg.

Chap. 100. An Act to enable School Trustees of Section No. 1, in the Township and County of Lunenburg to borrow money.

Chap. 101. An Act to enable the Municipality of Lunenburg to borrow money for a Poor Farm.

Chap. 102. An Act to enable the Village of Mahone Bay to purchase land and erect an Exhibition Building.

Chap. 103. An Act to legalize Assessment of the Town of New Glasgow.

Chap. 104. An Act to provide for supplying the Town of New Glasgow with water.

Chap. 106. An Act respecting the right of way and station grounds for the Pictou Branch Railway.

Chap. 107. An Act to confirm and establish certain Poor Districts in the County of Pictou.

Chap. 108. An Act to change the name of a Settlement in the County of Pictou.

Chap. 109 An Act in reference to the manufacture of Iron and Steel in the County of Pictou.

Chap. 110. An Act to change the names of certain settlements in the County of Queen's.

Chap. 111. An Act to change the name of a settlement in the County of Richmond.

Chap. 112. An Act respecting the Lennox Passage Steam Ferry.

Chap. 113. An Act to amend Chapter 58 of the Acts of 1883, intituled: "An Act to authorize the appropriation of funds held by the Bishop of Nova Scotia for the benefit of the Parish of St. Margaret."

Chap. 114. An Act to amend Chapter 87 of the Acts of 1885, intituled: "An Act to incorporate the Town of Sydney."

Chap. 115. An Act to incorporate the Sydney Young Men's Christian Association.

Chap. 116. An Act to make further provision for the construction and repair of Bridges in the County of Victoria.

Chap. 117. An Act to enable the Warden of the Town of Windsor to call a meeting of the residents of the Township of Windsor.

Chap. 118. An Act to amend an Act to provide for supplying the Town of Windsor with water.

Chap. 119. An Act in reference to St. John's Presbyterian Congregation of Windsor.

Chap. 120. An Act to incorporate the Old Ladies' Home Society of Yarmouth.

PRIVATE ACTS.

Chap. 121. An Act to confer certain powers on the Halifax Graving Dock Company (Limited).

Chap. 122. An Act respecting the Halifax Graving Dock Company (Limited).

Chap. 123. An Act to amend Chapter 62 of the Acts of 1884, intituled: "An Act to incorporate the Halifax Railway Company, (Limited)."

Chap. 124. An Act to incorporate the Halifax Street Railway Company (Limited).

Chap. 125. An Act to amend Chapter 52 of the Acts of 1885, intituled: "An Act to incorporate a Steam Ferry Company, (Limited)," between Halifax and Dartmouth.

Chap. 126. An Act to amend an Act to incorporate the Halifax Company, (Limited).

Chap. 127. An Act to incorporate the Trustees of the First Baptist Church, Spring Garden Road, Halifax.

Chap. 128. An Act to further amend Chapter 76 of the Acts of 1867, entituled: "An Act to incorporate the Merchants Marine Insurance Company."

Chap. 129. An Act to incorporate the Amherst Coal and Mining Company (Limited).

Chap. 130. An Act to amend the Act to incorporate the Avon Marine Insurance Company.

Chap. 131. An Act to amend Chapter 66 of the Acts of 1884, to incorporate the Baptist Book and Tract Society.

Chap. 132. An Act to amend the Act to incorporate the Cape Breton and Pictou Iron Company (Limited).

Chap. 133. An Act to incorporate the Trustees of the Presbyterian Congregation of Carleton.

Chap. 134. An Act to amend an Act to incorporate the Catholic Temperance Union of Nova Scotia.

Chap. 135. An Act concerning Chebucto and Mayflower Divisions Sons of Temperance.

Chap. 137. An Act to incorporate the Cowan Gold Mining Company.

Chap. 138. An Act to incorporate the Cumberland Stock Improving Company (Limited).

Chap. 139. An Act to incorporate the Pleasant Hill Cemetery, at Tiverton, in the County of Digby.

Chap. 140. An Act to incorporate the Domestic Water Company, (Limited).

Chap. 141. An Act to amend an Act to incorporate the Eastern Development Company, (Limited).

Chap. 142. An Act to enable Daniel Malkin Fraser to obtain admission to the Bar of Nova Scotia.

Chap. 143. An Act to amend the Act to incorporate the Glace Bay Mining Company.

Chap. 144. An Act to amend the Act to incorporate the Hopewell Woollen Mill Company, (Limited).

Chap. 145. An Act to authorize the International Coal Company, (Limited), to operate for general purposes the railway between its mines at Bridgeport and Sydney.

Chap. 146. An Act to revive and amend the Act to incorporate the Inverness Railway Company, afterwards designated the Inverness Coal, Iron and Railway Company, (Limited), and the Acts in amendment thereof.

Chap. 148. An Act to incorporate the Maritime Commercial Travellers' Association.

Chap. 149. An Act to incorporate Nelson Division of Sons of Temperance, Lawrencetown.

Chap. 150. An Act to incorporate the Nova Scotia Fire Insurance Company (Limited).

Chap. 151. An Act to incorporate the Opeleka Remedies Company, (Limited.)

Chap. 152. An Act to incorporate the Central Cemetery Company, County of Pictou.

Chap. 153. An Act to incorporate the Greenwood Cemetery Company, in the County of Pictou.

Chap. 154. An Act to incorporate the Pictou Steam Ferry Company.

Chap. 155. An Act to incorporate the Stewiacke Valley and Lansdowne Railway Company, (Limited.)

Chap. 156. An Act to amend Chapter 70 of the Acts of 1880, intituled: "An Act to incorporate the Nova Scotia Sugar Refinery," (Limited) and Acts in amendment thereof.

Chap. 157. An Act to incorporate a Sugar Refining Company, (Limited.)

Chap. 158. An Act to incorporate the Truro Condensed Milk and Canning Company, (Limited.)

Chap. 159. An Act to amend the Act to incorporate the Union Furniture and Merchandise Company.

Chap. 160. An Act to incorporate the Union Packing Company of Wood's Harbor, (Limited.)

Chap. 161. An Act to amend the Act incorporating the Vale Coal, Iron and Manufacturing Company.

Chap. 162. An Act to amend Chapter 64 of the Acts of 1865, intituled: "An Act to incorporate the Acadia Coal Company," and to carry into effect an Agreement of Amalgamation, made between the Acadia Coal Company, the Halifax Company (Limited), and the Vale Coal, Iron and Manufacturing Company.

Chap. 163. An Act to incorporate the Wanderers Amateur Athletic Club.

Chap. 164. An Act to revive and amend the Act to incorporate the Whitehaven Railway Company (Limited), and to change to name of the said Company.

Chap. 165. An Act to amend the Act incorporating the Shipowners Marine Insurance Company of Windsor.

Chap. 166. An Act to amend the Act to incorporate the Windsor Marine Insurance Company.

Chap. 167. An Act to incorporate the Maitland Telephone Company of Yarmouth.

Telegram.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 14th April, 1887.

Decision of Government taken certain on Acts passed by Legislature of Nova Scotia in Session of 1886.

Letter by mail to-day.

(Signed) J. A. CHAPLEAU,
Secretary of State.

To the Lieutenant Governor of Nova Scotia,
Halifax, N. S.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 14th April, 1887.

SIR,—I have the honor to acquaint you, for the information of your Government that the Governor General has had under his consideration in Council the Acts passed by the Legislature of the Province of Nova Scotia in the Session of 1886, and His Excellency has been advised that the Acts, the Chapters and titles of which are given in the Schedule to the Minister's Report, be left to their operation.

His Excellency has been further advised, for the reasons stated in the accompanying Report of the Hon. the Minister of Justice, to defer for the present the consideration of the Acts, chaptered 3, 81, 86, 98, 105, 136, 147 and 168.

The Acts chaptered 2, 16 and 56, will form the subject of future consideration.

As regards the Act. chaptered 1, His Excellency was advised on the 13th of January last to leave the same to its operation, with which fact you were made acquainted by letter from this Department on the 28th of the same month.

I have, &c.,

(Signed) G. POWELL,
Under Secretary of State.

To His Honor
The Lieutenant Governor of Nova Scotia,
Halifax, N. S.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, HALIFAX, N. S., 22nd April, 1887.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 16th of April, No. 18218 on 4220, relative to the disallowance by His Excellency the Governor General in Council of "The Act concerning the collection of freight and wharfage and warehouse charges," and I have the honor to state that I have transmitted a copy of your despatch to the members of my Goverment for their information.

I have, &c.,

(Signed) M. H. RICHEY,
Lieutenant Governor.

The Honorable
The Secretary of State for Canada,
Ottawa.

Deputy Minister of Justice to Secretary Department of Railways and Canals.

DEPARTMENT OF JUSTICE, OTTAWA, 30th March, 1887.

SIR,—I have the honor, by direction, to send you a copy of the Acts passed by the Legislature of the Province of Nova Scotia in the Session of 1886, and to request you to direct the attention of the Minister of Railways and Canals to Chapter 2, intituled: "An Act to incorporate the Halifax and Great Western Railway Company," and to have him to favor the Minister of Justice with his views respecting the powers conferred by the Legislature of Nova Scotia upon the Company incorporated by the said Act.

Will you have the goodness to return volume of statutes which is enclosed herewith.

I have, &c,

(Signed) A. POWER,
for Deputy Minister of Justice.

The Secretary,
Department of Railways and Canals,
Ottawa.

Secretary Department of Railways and Canals to Deputy Minister of Justice.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 20th May, 1887.

SIR,—I am instructed to return to you, herewith, the copy of the Statutes of the Province of Nova Scotia, for the year 1886, transmitted with your letter of the 30th March, and to inform you that the attention of the Minister has been called to Chapter 2 therein, intituled : "An Act to incorporate the Halifax and Great Western Railway Company," with respect to which you desire to have his views.

I am to state that many of the provisions of this Act appear to the Minister to be of a somewhat extraordinary nature, and that the question as to whether the Act should be allowed in its present shape would seem to demand consideration.

He is of opinion, however, that the Department of Justice is in a better position than his own to decide upon the proper action to be taken in this matter.

I have, &c.,

(Signed) A. P. BRADLEY,
Secretary.

G. W. BURBIDGE, Esq., Q. C.,
Deputy Minister of Justice, Ottawa.

Hon. J. W. Longley to the Minister of Justice.

HALIFAX, 10th June, 1887.

MY DEAR SIR.—You will recollect, perhaps, of the objection made by Markby, Stewart & Co., to an Act of 1836, Chapter 16, respecting the exercise of our power of sale of the Western Counties Railway. You kindly forwarded through the Honorable the Secretary of State, a copy of the objections, which our Government on a report from me answered. In that answer, if you will be good enough to refer to it, you will see that I recommended that at the then ensuing Session of our Legislature an amendment should be made to the Act complained of providing that the powers therein given to the Provincial Secretary should only be exercised after due and ample notice, and this was approved by the Lieutenant Governor.

I take this early opportunity of forwarding you the advance sheet of the amending Act since the whole volume of the Acts will not be published for some time yet, in order that you may be assured that this recommendation was carried out fully. I think this amendment removes the gravamen of the objection to Chapter 16.

I may add that I introduced and carried through the House a Bill eliminating from the Revised Statutes a number of clauses objected to in your report on the fifth series, and also after receipt of your report respecting objectionable clauses in the incorporation of cemeteries. I procured the passage of an Act striking out those clauses in the Acts of last Session and I had similar clauses eliminated from the Acts before the Legislature during the Session just ended.

By some oversight I omitted to thank you for your courtesy in sending the Official Blue-book on disallowance for which I telegraphed. If not too late I hope you will accept my grateful acknowledgments now.

Very sincerely,

(Signed) J. W. LONGLEY.

The Hon. J. S. D. THOMPSON,
Minister of Justice, &c., &c.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, HALIFAX, N.S., 18th August, 1887.

SIR,—I have the honor to acknowledge the receipt of Mr. Under Secretary Powell's despatch of the 12th inst., No. 4721 on 4220, and in reply have the honor to state that it is expected that the Acts passed by the Legislature of this Province in 1887 will be in print by the end of next week, and I trust you will receive copies of them before the 1st September next.

In the meantime I beg to enclose a Report of my Attorney General on the Chapters 86, 98 and 105 of the Statutes of 1886, which are those referred to in Mr. Powell's despatch.

I have, &c.,

M. H. RICHEY,
Lieutenant Governor.

The Honorable
The Secretary of State for Canada,
Ottawa.

Memo. re Disallowance.

In regard to the communication of His Honor the Lieutenant Governor of this date touching certain sections of chapters of the Acts of 1886, to which objection had been taken by the Hon. the Minister of Justice, I beg to make the following observations:—

The report of the Honorable the Minister of Justice to His Excellency the Governor General, dated 30th March, 1887, was fully considered by this Department.

The suggestions touching Chapters 81, 136, 147 and 168 were adopted, and a Bill submitted to the Legislature last Session repealing the several objectional clauses therein referred to.

Chapters 86, 98 and 105 were not dealt with for this reason. It was pretty generally understood and recognized that it would become the duty of the Government at the next Session of the Legislature to bring forward a general measure relating to the incorporation of towns in Nova Scotia. It seems to be an unsound policy to allow each town to get its own particular Act, and it is proposed to substitute for this a general measure applicable to all towns now incorporated or hereafter to be incorporated. In such a measure due care would be taken not to trench upon provisions outside the authority of this Legislature.

It must be understood that in not submitting to the Legislature a measure at the last Session to repeal the clauses objected to by the Minister of Justice, no implication should be drawn that this Government upholds the validity of these Sections. But as the whole matter was likely to be dealt with so soon, it was not deemed expedient or necessary to raise the question at the last days of the Session.

In the event of the Government of this Province not being ready to submit a general measure relating to Town Incorporations at the next Session, I shall recommend that a measure be submitted to the Legislature in the direction of removing from the chapters in question any clauses which are *ultra vires.*

(Signed) J. W. LONGLEY,
Attorney General.

Halifax, N.S., 17th August, 1887.

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DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 23rd August, 1887.

SIR,—In continuation of previous correspondence on the subject, I have now the honor to acknowledge receipt of your despatch No. 66, of the 18th instant, transmitting Report of your Attorney General on certain Chapters, as therein set forth, of the Statutes of Nova Scotia for 1886.

I have, &c.,

(Signed) G. POWELL,
Under Secretary of State.

To His Honor
The Lieutenant Governor of Nova Scotia,
Halifax, N.S.

Report of the Hon. the Minister of Justice upon Chapters 2, 3, 16, 81, 136, 147, 168.

DEPARTMENT OF JUSTICE, OTTAWA, 15th September, 1887.

To His Excellency the Governor General in Council:

The undersigned has the honor to submit a further report on certain Acts passed by the Legislature of the Province of Nova Scotia in the Session held in the year 1886, (49 Victoria).

1. Chapter 2, "An Act to incorporate the Halifax and Great Western Railway Company."

Some of the powers given to this Company appear to the undersigned to be of an unusual character, in this view the Minister of Railways and Canals concurs, but as the enactment is probably within the powers of the Legislature, and as the undersigned has no reason to apprehend that any serious public inconvenience will be occasioned by leaving the Act to its operation, he recommends that the Act be so left to its operation.

2. Chapter 3, "An Act respecting the sale of Intoxicating Liquors."

Mr. Hugh McD. Henry, Q.C., by his communication of the 15th of January, 1887, on behalf of liquor dealers of the City of Halifax, has asked that this Act be disallowed on the grounds:

(*a*) That its provisions are not intended in good faith to regulate the traffic in intoxicating liquors, but under the guise of regulation virtually to prohibit all sale therein; and

(*b*) That it encroaches upon the recognized powers of the Parliament of Canada in respect to trade and commerce.

A copy of Mr. Henry's communication having been transmitted to the Lieutenant Governor of Nova Scotia, a Minute of his Executive Council on the subject was approved by him on the 5th of May, 1887, and a copy thereof was forwarded to Your Excellency and forms part of the papers submitted with this report.

The views of the dealers who are opposed to the enactment were further presented to the undersigned by Counsel who attended at Ottawa for that purpose.

Attention has been especially called to the following sections:—

(1) Section 5 makes provision for hotel, shop and wholesale licenses only, and does not authorize the issue of saloon or other licenses under which liquors can be sold for consumption on the premises in any place other than an hotel. In the case of a hotel license the quantity sold cannot exceed one quart and the sale cannot be made to a person who is not a *bona fide* guest or lodger in the hotel.

(2) Section 10, which is as follows:—

"In the case of an application for a hotel or shop license in the City of Halifax the petition must be accompanied by a certificate signed by three-fifths of the ratepayers of the polling district in which the premises sought to be licensed are situated; and in the case of an application for a wholesale license in said city the petition must be accompanied by a certificate signed by a majority of the ratepayers of the polling district in which the premises sought to be licensed are situated; and in the case of an application for a hotel, wholesale or shop license, elsewhere than in the City of Halifax, the petition must be accompanied by a certificate signed by two-thirds of the ratepayers of the polling district in which the premises sought to be licensed are situated. Such polling district shall be that established by law for the purpose of an election for the House of Assembly, or if none such be established, then the polling district used for the last election for the House of Assembly."

(3) Section 58, sub-section 2, which is as follows:—

(After making provision as to breweries licensed by the Government of Canada.)

"Such brewer, distiller, or other person, is, however, further required to first obtain a license to sell by wholesale under this Act, but a brewer shall not be required in order to obtain such license, to get a petition under section 10 of this Act. The liquor so manufactured by him, when sold for consumption within this Province, under which license the said liquor may be sold by sample or in original packages in any municipality as well as in that in which it is manufactured, but no such sale shall be in quantities less than those prescribed in a wholesale license."

And also to other provisions which are said to interfere directly with trade, and, it is urged, should not be treated as merely regulating the sale of intoxicating liquors.

It is clear that section 58, sub-section 2, is not within the legislative authority of the Legislature of Nova Scotia. The decision of the Supreme Court of Canada in Serven *vs.* The Queen (2 S. C. R. 71) supports this view.

The other objections raised by counsel for the petitioners raise some doubts as to the validity of other sections of this enactment, especially when their direct effect upon trade is considered.

The Act, however, contains many provisions for the regulation of the sale of intoxicating liquors which appear to be clearly within the powers of the Legislature.

Some of these are important, and the disallowance of the enactment would, without doubt, produce considerable public inconvenience within the Province of Nova Scotia.

The undersigned therefore, after careful consideration, recommends that the Act be left to its operation, but that the Lieutenant Governor of the Province be requested to call the attention of his Advisers again to the Act with a view to the amendment or repeal of such of its provisions as are of doubtful validity, and especially with a view to the repeal of the 2nd sub-section of section 58 before quoted, in order to prevent the litigation which must otherwise inevitably ensue, with all its attendant consequences.

3. Chapter 16, "An Act respecting the Western Counties Railway Company."

By the 3rd section of this Act the Provincial Secretary of Nova Scotia is authorized to make sale and absolutely dispose of, either altogether or in separate parcels, at one time or at separate times, and either at public auction or sale, or by private contract, at his discretion, and at or for such sums of money as he shall judge sufficient, among other things £110,000 sterling of the debenture stock of the Western Division of the Western Counties Railway Company deposited with the Provincial Secretary as collateral security for the guarantee of interest on certain debenture stock of the said company.

To this Act objection has been taken by Messrs. Markby, Stewart & Co., of London, England, the proprietors of £45,300, a portion of the £110,000 debenture stock before referred to.

They claim that the said sum of £15,300 of debenture stock was not deposited with the Provincial Secretary under the terms of the agreement recited in the Act

in question, but in accordance with the terms of a letter addressed by Mr. F. Gundry, then Manager of the Bank of Montreal at Halifax, to the Provincial Secretary, dated 16th August, 1879.

In that letter Mr. Gundry stated to the Provincial Secretary that in compliance with instructions received from Messrs. Markby, Stewart & Co., he begged to hand to him therewith scrip for £15,300 sterling for "A" debenture stock of the Western Counties Railway Company of Nova Scotia, and that this scrip was made out in the name of the Provincial Secretary and was to be held by him as collateral security for the Provincial Guarantee of £50,000 sterling of "B" debenture stock of the said Company.

The correspondence on this subject was duly transmitted to the Lieutenant Governor of Nova Scotia, and the views of his advisers obtained in reference thereto.

This correspondence has led to an amendment of the 3rd Section of the Act in question (49 Victoria, Chapter 16), by which it is provided "that no such sale either by public auction or private contract, shall be held or take place unless and until the Provincial Secretary shall have given public notice of such sale at least thirty days beforehand, stating the time and place of such proposed sale, which notice shall appear in the *Royal Gazette* for at least four issues, and in at least two daily papers published in the City of Halifax, and in one or more newspapers published in Yarmouth in as many as four issues of each of the said papers."

The undersigned does not understand Messrs. Markby, Stewart & Co., to contend that the Western Counties Railway Company has not made default in respect of the Provincial Guarantee of £50,000 sterling of "B" debenture stock of the said company, and having considered carefully the whole correspondence does not feel himself justified in recommending Your Excellency in Council to disallow the Act in question.

The undersigned therefore recommends that the Act be left to its operation.

4. Chapter 81, "An Act to provide for the management and improvement of the Cemetery in Upper Stewiacke, in the County of Colchester."

Chapter 136, "An Act to incorporate the Forest Hill Cemetery Company, County of Colchester."

Chapter 147, "An Act to incorporate the Trustees of South Brook Cemetery, in the County of Inverness."

Chapter 168, "An Act to incorporate the Plymouth Cemetery Company."

The above mentioned Acts having been amended in accordance with the suggestions made in the report of the undersigned of the 30th March last, he recommends that they be left to their operation.

5. Chapter 86, "An Act to amend the Acts relating to the Town of Dartmouth."

Chapter 98, "An Act to incorporate the Town of Kentville."

Chapter 105, "An Act to consolidate and amend the Acts relating to the Town of New Glasgow."

With reference to the suggestions made in respect to these Acts in his Report of the 30th March, 1887, above referred to, the undersigned begs to direct attention to the memorandum of the Attorney General of Nova Scotia of the 17th of August in which the Attorney General states that Chapters 86, 98 and 105 were not dealt with for the reason that it was pretty generally understood and recognized that it would become the duty of the Government of Nova Scotia at the then next Session of the Legislature to bring forward a general measure relating to the incorporation of towns in Nova Scotia; that it seems to be an unsound policy to allow each town to get its own particular Act, and that it was proposed to substitute for this a general measure applicable to all towns then incorporated or thereafter to be incorporated, and that in such a measure due care would be taken not to trench upon provisions outside the authority of the Legislature.

Under these circumstances the undersigned respectfully recommends that the several Acts be left to their operation.

All of which is respectfully submitted.

(Signed) JOHN S. D. THOMPSON,
Minister of Justice.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 17th September*, 1887.

The Committee of Council have had under consideration a further Report, dated 15th September, 1887, from the Minister of Justice, on certain Acts passed by the Legislature of the Province of Nova Scotia in the Session held in the year 1886 (49 Victoria), viz.:

Chap. 2. "An Act to incorporate the Halifax and Great Western Railway Company."

Chap. 3. "An Act respecting the sale of Intoxicating Liquor."

Chap. 16. "An Act respecting the Western Counties Railway Company."

Chap. 81. "An Act to provide for the management and improvement of the Cemetery in Upper Stewiacke, in the County of Colchester."

Chap. 136. "An Act to incorporate the Forest Hill Cemetery Company, County of Colchester."

Chap. 147. "An Act to incorporate the Trustees of South Brook Cemetery, in the County of Inverness."

Chap. 168. "An Act to incorporate the Plymouth Cemetery Company."

Chap. 86. "An Act to amend the Acts relating to the Town of Dartmouth."

Chap. 98. "An Act to incorporate the Town of Kentville."

Chap. 105. "An Act to consolidate and amend the Acts relating to the Town of New Glasgow."

The Committee concur in the said Report, and advise that the above mentioned Acts be left to their operation, and they further advise that the Secretary of State be authorized to communicate a copy of this Minute and of the Report of the Minister of Justice to the Lieutenant Governor of Nova Scotia for the information of his Government.

(Signed) JOHN J. McGEE,
Clerk Privy Council.

The Honorable
The Minister of Justice.

NEW BRUNSWICK.—48 VICTORIA, 1885.

4TH SESSION—25TH GENERAL ASSEMBLY.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, FREDERICTON, N.B., 8th July, 1885.

SIR,—I have the honor to inform you that I have this day transmitted to your Department, six certified copies of the Statutes of the Province of New Brunswick passed during the Session of 1885.

I have &c.,

(Signed) ROBT. D. WILMOT,
Lieutenant Governor.

The Honorable
The Secretary of State, Ottawa.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF STATE, OTTAWA, 10th July, 1885.

SIR,—I have the honor to acknowledge the receipt of your Despatch of the 8th instant, transmitting certified copies of the Statutes of the Province of New Brunswick passed in the Session of 1885.

(Signed) G. POWELL,
Under Secretary of State.

His Honor
The Lieutenant Governor,
Fredericton, N.B.

General Report of the Hon. the Minister of Justice.

DEPARTMENT OF JUSTICE, CANADA, OTTAWA, 24th February, 1886.

To His Excellency the Governor General in Council:

The undersigned has the honor to report upon the Acts passed by the Legislature of the Province of New Brunswick in the Session held in the year 1885.

By Chapter 1 intituled: "An Act to amend and explain Chapter 19, 47th Victoria, 'An Act respecting Law Stamps,' and the several Acts to which it is in amendment, an attempt has been made by the Legislature to avoid the effect of the decision of the Lords of the Judicial Committee of the Privy Council in the case of the Attorney General for Quebec *vs.* Reed, to which attention was called by the

Minister of Justice in his Report upon the Acts passed by the Legislature of the Province of New Brunswick in the Session held in the year 1884.

Without expressing any opinion as to whether or not, under the decision in the case referred to, this Act is within the Legislative authority of the Province of New Brunswick, the undersigned is of opinion that it should be left to its operation and so respectfully recommends.

The undersigned having carefully considered the remaining Acts which are mentioned in the Schedule hereto, is of opinion that the power of disallowance should not be exercised in respect of any of the said Acts, and respectfully recommends that they be left to their operation.

The undersigned farther recommends that if this report is approved the Lieutenant Governor of New Brunswick be informed that it is not the intention of His Excellency to exercise the power of disallowance in respect of any of the Acts passed by the Legislature of the Province of New Brunswick in the year 1885.

Respectfully submitted.

(Signed) JOHN S. D. THOMPSON,
Minister of Justice.

SCHEDULE.

NEW BRUNSWICK (48 VICTORIA, 1885).

Chap. 2. An Act to provide for Shorthand Reporting in certain Courts.

Chap. 3. An Act to amend the Law relating to the Custody of Infants.

Chap. 4. An Act to amend "The Fisheries Act of 1884."

Chap. 5. An Act to establish additional Polling Places in the County of York, and to alter the Polling Place in the Parish of New Maryland, in the said County.

Chap. 6. An Act to provide for defraying certain expenses of the Civil Government of the Province.

Chap. 7. An Act to provide for the repair and improvement of Roads and Bridges, and other Public Works and Services.

Chap. 8. An Act to authorize the issue of Debentures for the construction of the Fredericton Bridge, and to provide additional accommodation for the Insane in this Province.

Chap. 9. An Act respecting the incorporation of Joint Stock Companies by Letters Patent.

Chap. 10. An Act relating to the destruction of Bears.

Chap. 11. An Act to prevent the destruction of Woods, Forests and other Property by fires.

Chap. 12. An Act to continue and amend Chapter 13 of the 47th Victoria, "An Act respecting the granting of Licenses for sale of Spirituous Liquors."

Chap. 13. An Act to amend Chapter 64 of the Consolidated Statutes, of "The University of New Brunswick."

Chap. 14. An Act to amend Chapter 65 of the Consolidated Statutes, of "Schools."

Chap. 15. An Act to amend Chapter 4 of the Consolidated Statutes, "Elections to the General Assembly."

Chap. 16. An Act to provide for a Special Sitting of a Circuit Court in the County of Madawaska.

Chap. 17. An Act to further amend Chapter 34 of 45th Victoria, "An Act in aid of the construction of Railways and other Works in this Province."

Chap. 18. An Act relating to Evidence taken under Commissions.

Chap. 19. An Act to authorize and relating to the granting of Letters of Administration in certain cases.

Chap. 20. An Act to dispense with the use of Parchment in Legal Proceedings.

Chap. 21. An Act to enable the City Corporation of St. John to accept the Suretyship of Guarantee Company in certain cases.

Chap. 22. An Act to authorize the Trustees of School District Number Two, Bathurst, Gloucester County, to issue Debentures.

Chap. 23. An Act relating to the diverting of Smyth Street, and to the widening of a part of Mill Street, in the City of Saint John.

Chap. 24. An Act in amendment of Chapter 69 of the Consolidated Statutes, of Taxes on unimproved granted Lands for certain purposes.

Chap. 25. An Act to establish a Board of Health in the Town of Milltown, in the County of Charlotte.

Chap. 26. An Act to remedy the erroneous issue of a certain grant to one Charles S. Keith.

Chap. 27. An Act to authorize the City Council of the City of Portland to fix the valuation of the New Brunswick Cotton Mills (so called), for the purposes of rates and taxes for city purposes in said city.

Chap. 28. An Act to amend An Act for the incorporation of certain bodies in connection with the Eastern and Western Baptist Associations.

Chap. 29. An Act relating to the Buildings erected in the City of Saint John for Exhibition purposes.

Chap. 30. An Act to limit the amount of Debentures to be issued by the Trustees of Saint Paul's Church (Presbyterian), Fredericton, and to make the Debentures issued negotiable.

Chap. 31. An Act to continue and amend an Act intituled: "An Act to incorporate the Woodstock and Harvey Railway Company."

Chap. 32. An Act relating to Water Supply in the City of Saint John on the eastern side of the harbour, and the City of Portland, in the County of St. John.

Chap. 33. An Act to amend 47th Victoria, Chapter 50, intituled: "An Act to incorporate the Trustees of the Owen Art Gallery, and to provide for the support and management of the same."

Chap. 34. An Act further relating to the Restigouche Boom Company.

Chap. 35. An Act to establish additional Polling Places in the County of Northumberland.

Chap. 36. An Act to consolidate and amend various Acts of Assembly relating to the Church of England in New Brunswick.

Chap. 37. An Act in addition to the several Acts relating to the City of Fredericton.

Chap. 38. An Act to authorize the City of Fredericton to issue Debentures for the erection of a new Almshouse and Workhouse in the said City.

Chap. 39. An Act to incorporate the St. Martin's Telephone Company (Limited).

Chap. 40. An Act to incorporate the Redemptorist Fathers of the Province of New Brunswick.

Chap. 41. An Act to authorize the construction of a Tramway on Lower Water Street in the Town of Chatham.

Chap. 42. An Act to incorporate the Fredericton Skating and Curling Club.

Chap. 43. An Act to authorize the City Council of the City of Portland to issue Debentures to provide for the lighting of the public streets of said City by Electricity.

Chap. 44. An Act to incorporate the Restigouche and Victoria Colonization Railway Company.

Chap. 45. An Act to incorporate the Town of Bathurst Water Company.

Chap. 46. An Act to regulate the assessing, levying and collecting of Rates and Taxes in the City of Portland.

Chap. 47. An Act to amend and consolidate the Act 34th Victoria, Chapter 20, incorporating the Town of Saint Stephen, and the several Acts in amendment thereof.

Chap. 48. An Act to incorporate the Telegraph Publishing Company of Saint John.

Chap. 49. An Act to incorporate the Gulf Shore Railway Company.

Chap. 50. An Act to authorize the County Council of the Municipality of Westmoreland to effect temporary loans in certain cases.

Chap. 51. An Act to incorporate the Tobique Valley Railway Company.

Chap. 52. An Act to authorize the Municipality of Gloucester to issue Debentures for Fire purposes.

Chap. 53. An Act to incorporate the Miramichi Marine Railway Company.

Chap. 54. An Act to amend an Act to authorize the Elgin, Peticodiac and Havelock Railway Company to borrow money by the issue of Debentures, and for other purposes.

Chap. 55. An Act to incorporate the Douglastown Branch Railway Company.

Chap. 56. An Act to further alter and amend an Act intituled "An Act to incorporate the Saint John Gas Lighting Company."

Chap. 57. An Act to provide for the lighting of the Public Streets at Carleton, in the City of Saint John, with Electric Light, and for the issue of Debentures therefor.

Chap. 58. An Act to remove doubts relating to certain Marriages.

Chap. 59. An Act in addition to an Act relating to the Free Public Library in the City of Saint John.

Chap. 60. An Act to amend 41st Victoria, Chapter 101, so far as relates to aid to the Elgin, Peticodiac and Havelock Railway, from certain parishes.

Chap. 61. An Act further to amend the Laws for the protection of certain Birds and animals.

Chap. 62. An Act to amend 47th Victoria, Chapter 66, intituled: "An Act to incorporate the Castle Hotel Company."

Chap. 63. An Act to authorize the Trustees of Saint Andrew's Church, Tabusintac, in the Parish of Alnwick, in the County of Northumberland, to sell or otherwise dispose of certain glebe lands and of their present church building.

Chap. 64. An Act to render legal certain actions of "The Woman's Presbyterian Home Missionary Society of Saint John."

Chap. 65. An Act to establish an additional Polling Place in the Parish of Studholm, King's County.

Chap. 66. An Act relating to the Waterford Mining Company.

Chap. 67. An Act further relating to the city road in the City and County of Saint John.

Chap. 68. An Act to regulate meetings of the County Council in the County of Gloucester.

Chap. 69. An Act to indemnify the Revisors for the City of Portland.

Chap. 70. An Act in further amendment of the Law for the better prevention of conflagrations in the City of Saint John.

Chap. 71. An Act to confirm a Mortgage made by the New Brunswick Railway Company to the Central Trust Company of New York.

Chap. 72. An Act to ratify and confirm the incorporation of the Prospect Coal Mining Company.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the* 16*th March,* 1886.

The Committee of the Privy Council have had under consideration a Report, dated 24th February, 1886, from the Minister of Justice with respect to the Acts passed by the Legislature of the Province of New Brunswick, in the Session held in the year 1885.

The Committee advise, on the recommendation of the Minister of Justice, that the power of disallowance be not exercised with respect to any of the said Acts numbered from 1 to 72 inclusive.

The Committee further advise that a despatch be forwarded by the Secretary of State to the Lieutenant Governor directing his attention to observations in the Report of the Minister of Justice on Chapter 1 of the said Acts, intituled: "An Act to amend and explain Chapter 19, 47th Victoria, "An Act respecting Law Stamps,' and the several Acts to which it is in amendment."

All of which is respectfully submitted for Your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

Secretary of State to Lieutenant Governor.

DEPARTMENT OF SECRETARY OF STATE, OTTAWA, 29th March, 1885.

SIR,—I have the honor to inform you that His Excellency the Governor General has had under his consideration in Council the Acts passedby the Legislature of the Province of New Brunswick in the Session held in the year 1885, and that His Excellency has been advised that the power of disallowance be not exercised with respect to any of the said Acts, numbered from 1 to 72 inclusive. I have, however, to request you to invite the attention of your Government to the observations contained in the Report of the Honorable the Minister of Justice on Chapter 1 of the said Acts, intituled: "An Act to amend and explain Chapter 19, 47 Victoria, "An Act respecting Law Stamps," and the Several Acts to which it is in amendment.

I have, &c.,

(Signed) J. A. CHAPLEAU.
Secretary of State.

His Honour
The Lieutenant Governor,
Fredericton, N.B.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, FREDERICTON, N.B., 3rd April, 1886.

SIR,—I have the honor to acknowledge the receipt of your despatch, No. 3562, bearing date 29th March, informing me that His Excellency The Governor General having had under consideration the Report of the Honorable the Minister of Justice in reference to the Acts passed by the Legislature of New Brunswick 1885, has been advised that the power of disallowance be not exercised with respect to any of the said Acts numbered from 1 to 72 inclusive.

I will as directed call the attention of my Government to the observations contained in the report of the Minister of Justice on Chap. 1 of the said Acts, intituled: An Act to amend and explain Chap. 19, 47 Vict., &c.

I have,

(Signed) S. L. TILLEY,
Lieutenant Governor.

The Honorable,
The Secretary of State, Ottawa.

NEW BRUNSWICK,—49 VICTORIA, 1886.

5TH SESSION—25TH GENERAL ASSEMBLY

Provincial Secretary to Secretary of State.

PROVINCIAL SECRETARY'S OFFICE, FREDERICTON, N.B., 18th June, 1886.

SIR,—I have the honor to forward you by mail to-day certified copies of the Acts of Assembly of this Province passed on the 2nd of April last.

I have &c.,

(Signed) R. W. L. TIBBITS,
Deputy Provincial Secretary.

The Honorable
The Secretary of State, Ottawa.

General Report of the Honorable the Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 29th March, 1887.

To His Excellency the Governor General in Council:

The undersigned having considered the Acts passed by the Legislature of the Province of New Brunswick, in the Session held in the year 1886, the titles and Chapters of which were given in the annexed schedule, respectfully recommends that they be left to their operation, and that the Lieutenant Governor of that Province be informed thereof.

Chapters 25 and 28 which are not included in the schedule, will be made the subject of a separate Report.

(Signed) J. S. D. THOMPSON,
Minister of Justice.

SCHEDULE.

NEW BRUNSWICK (49 VICTORIA, 1886).

Chap. 1. An Act to provide for defraying certain expenses in the Civil Government of the Province.

Chap. 2. An Act to provide for the repair and improvement of Roads and Bridges, and other Public Works and Services.

Chap. 3. An Act to amend Chapter 20 of the Consolidated Statutes "Of the Board of Works."

Chap. 4. An Act to authorize the issue of Commissions under the Great Seal in certain cases and for certain purposes.

Chap. 5. An Act to amend Chapter 65 of the Consolidated Statutes "Of Schools."

Chap. 6. An Act relating to Highways.

Chap. 7. An Act to amend Chapter 23 of the Consolidated Statutes "Of Agriculture," and Chapter 15, 43rd Victoria.

Chap. 8. An Act to continue an Act relating to the destruction of Bears.

Chap. 9. An Act respecting the administration of Justice in Equity.

Chap. 10. An Act to cancel certain grants erroneously issued, and to authorize the issuing of grants in lieu thereof to the persons properly entitled to the same.

Chap. 11. An Act to amend the City of Fredericton Assessment Act of 1884, and for other purposes.

Chap. 12. An Act to enable the Common Council of the City of St. John to exempt from taxation certain property connected with the lighting of the public streets at Carleton, in the said city, with Electric light.

Chap. 13. An Act in addition to an Act passed in the 48th year of Her present Majesty's reign, intituled: "An Act relating to water supply in the City of St. John on the eastern side of the harbor, and the City of Portland, in the County of St. John."

Chap. 14. An Act to incorporate the Fredericton Women's Christian Temperance Union.

Chap. 15. An Act to establish an additional polling place in the Parish of Prince William, York County.

Chap. 16. An Act to divide the Town from the Parish of Woodstock.

Chap. 17. An Act to incorporate the St. Stephen and Milltown Railway Company.

Chap. 18. An Act to amend the Law relating to County Courts.

Chap. 19. An Act to revive and continue an Act authorizing the erection of a boom across the Jacquet River, in the County of Restigouche.

Chap. 20. An Act to further amend Act 45 Vic., Chap. 80, intituled: "An Act to authorize the Town Council of the Town of Woodstock to provide a system of waterworks for said town," and the Act in amendment thereof.

Chap. 21. An Act to establish additional Polling Places in the County of Restigouche, and to alter the Polling Places in the Parish of Durham in the said County.

Chap. 22. An Act to amend an Act to authorize the construction of a Tramway on Lower Water Street, in the Town of Chatham.

Chap. 23. An Act in addition to 44 Vic., Chap. 43, intituled: "An Act relating to sewerage in the City of Portland."

Chap. 24. An Act in addition to and in amendment of an Act passed in the 48th year of Her Majesty's reign, to provide for Shorthand reporting in certain Courts.

Chap. 26. An Act to authorize the Town of Moncton to raise money by way of Loan for the payment of floating indebtedness, the further construction of Sewers, and other purposes.

Chap. 27. An Act relating to Coroners and Justices of the Peace.

Chap. 29. An Act respecting certain marsh lands in the Parish of Sackville.

Chap. 30. An Act relating to rates and taxes in the Municipality of the City and County of St. John.

Chap. 31. An Act to incorporate the Magaguadavic River Driving Company.

Chap. 32. An Act to establish an additional Polling Place in the Parish of St. George, in the County of Charlotte.

Chap. 33. An Act to confirm the Charter of William Parks & Sons (Limited), and to enable the said Corporation to issue debentures and to execute mortgages.

Chap. 34. An Act to authorize the Town of Woodstock to consolidate the debenture debt of said town.

Chap. 35. An Act relating to property of Rector, Church Wardens and Vestry of St. Paul's Church, in the Parish of Hampton, in King's County.

Chap. 36. An Act further to amend the Act to incorporate the St. John Gas Light Company.

Chap. 37. An Act to authorize the County Council of the County of Gloucester to issue debentures in aid of the erection of a building for County Offices.

Chap. 38. An Act relating to the Parish Court of the Parish of Chatham, in the County of Northumberland.

Chap. 39. An Act to authorize the City Council of the City of Portland, in the City and County of St. John, to exempt from taxation the Trustees of the Owens Art Gallery.

Chap. 40. An Act to extend the Franchise to Widows and Spinsters in the City of Portland.

Chap. 41. An Act respecting the University of Mount Allison College.

Chap. 42. An Act to amend an Act to provide for the repair of the Streets, Bridges and Sidewalks in a part of the Parish of St. George, in the County of Charlotte.

Chap. 43. An Act establishing a common field on certain Marsh Lands in Harvey, Albert County.

Chap. 44. An Act to authorize the Trustees of St. Andrew's Church, in the Parish of Woodstock, to sell and convey certain lands.

Chap. 45. An Act to authorize the County Council of the Municipality of Gloucester to sell certain lands in Bathurst, in said County.

Chap. 46. An Act relating to Street and Fire Services in the Town of Chatham.

Chap. 47. An Act to provide increased Fire Protection for the Village of Sussex.

Chap. 48. An Act to define the Boundaries of the Town of Campbellton, in the County of Restigouche.

Chap. 49. An Act to establish an additional Polling Place in the Parish of Southampton, in the County of York.

Chap. 50. An Act relating to Dorchester Street, in the City of Portland.

Chap. 51. An Act to incorporate the St. John River Log Driving Company.

Chap. 52. An Act to amend Chapter 38 of the Consolidated Statutes.

Chap. 53. An Act to provide for the giving of security for costs in certain actions in inferior Courts.

Chap. 54. An Act to amend 48 Vic. Chap. 48, intituled: "An Act to incorporate the Telegraph Publishing Company of St. John.

Chap. 55. An Act to enable the President and Directors of the King's County Central Agricultural Society to borrow money on the security of real estate.

Chap. 56. An Act in amendment of an Act to incorporate the Roman Catholic Bishop of St. John.

Chap. 57. An Act in amendment of 45 Vic. Chap. 23, intituled: "An Act to define the duties of Constables, Special Constables and Policemen."

Chap. 58. An Act to enable the County Council of the Municipality of Westmoreland to sell and convey certain lands in the Parish of Botsford, and held for school purposes.

Chap. 59. An Act in amendment of Chap. 65 of the Consolidated Statutes, of "Schools," as to county assessment in Queen's County.

Chap. 60. An Act in further amendment of the law relating to the Franchise at civic elections in the City of St. John.

Chap. 61. An Act to incorporate the Church of England Institute, in the City and County of St. John.

Chap. 62. An Act to authorize the Trustees of School District Number One in the Parish of Simonds, in the County of St. John, to issue Debentures.

Chap. 63. An Act to authorize the City Council of the City of Portland to limit the valuation for assessment purposes of certain lands and premises in the said city.

Chap. 64. An Act to establish an additional polling place in the Parish of Aberdeen, Carleton County.

Chap. 65. An Act relating to the Diocesan Synod of Fredericton.

Chap. 66. An Act to explain and further amend the Act to incorporate the Northern and Western Railway Company of New Brunswick.

Chap. 67. An Act to incorporate the Shediac and Cape Tormentine Railway Company.

Chap. 68. An Act relating to the Buctouche and Moncton Railway Company.

Chap. 69. An Act to remedy the erroneous issue of certain grants.

Chap. 70. An Act to enable certain Parishes, in the County of King's, to establish an Almshouse and Poor Farm for the support and maintenance of their Poor.

Chap. 71. An Act to provide for the sewerage service of the Town of Woodstock.

Chap. 72. An Act to amend the Act incorporating the Town of Woodstock, and Acts in amendment thereof, and other Acts relating to the said town.

Chap. 73. An Act to amend an Act to enable the Common Council of the City of St. John to exempt from taxation certain property of the St. John Cotton Company.

Chap. 74. An Act to authorize the County Council of the Municipality of Gloucester County to effect temporary loans in certain cases.

Chap. 75. An Act to incorporate certain persons to be known as the Moncton Women's Christian Temperance Union.

Chap. 76. An Act to incorporate the St. Stephen Driving Park Association.

Chap. 77. An Act to regulate the construction of buildings in the Town of Woodstock, and to provide for the due inspection thereof.

Chap. 78. An Act relating to the taking of a county valuation in the County of Carleton.

Chap. 79. An Act to confirm a certain lease from the Municipality of Albert County to Samuel Stewart.

Chap. 80. An Act to incorporate the Ladies of the Sacred Heart at St. John, New Brunswick.

Chap. 81. An Act to establish a Police Magistrate with civil jurisdiction in the Parishes of Andover and Perth, in the County of Victoria.

Chap. 82. An Act in amendment of the New Brunswick Medical Act, 1881.

Chap. 83. An Act to extend the Franchise to widows and unmarried women in municipal elections.

Chap. 84. An Act to authorize the County Council of the Municipality of Carleton to aid in the erection of a woollen factory.

Chap. 85. An Act to authorize the Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Canning, Queen's County, to sell their glebe lands.

Chap. 86. An Act to authorize the erection of a public hall at Oak Bay, in the Parish of St. David, in the County of Charlotte.

Chap. 87. An Act relating to Douglas Street, in the City of Portland.

Chap. 88. An Act further relating to the old public burying ground in the City of Fredericton.

Chap. 89. An Act further to amend the Act to incorporate the Fredericton Gas Light Company.

Chap. 90. An Act to incorporate the Musquash Anthracite Coal Mining Company.

CERTIFIED COPY *of a Report of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 2nd April* 1887.

The Committee of the Privy Council have had under consideration a Report, dated 29th March, 1887, from the Minister of Justice upon the Acts passed by the Legislature of the Province of New Brunswick, in the Session held in the year 1886, except chapters 25, and 28, which will be made the subject of a separate Report.

The Committee advise that the power of disallowance be not exercised with respect to any of the said Acts, the titles and chapters of which are given in the schedule to the Report of the Hon. the Minister of Justice, and that the Lieutenant Governor of the Province be so informed.

All of which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE.
Clerk, Privy Council.

Report of the Hon. the Minister of Justice upon Chapters 25 and 28.

DEPARTMENT OF JUSTICE, OTTAWA, 28th March, 1887.

To His Excellency the Governor General in Council:

The undersigned has the honor to report upon the Acts of the Legislature of the Province of New Brunswick, 49 Victoria (1886), Chapter 25, intituled: "An Act to incorporate the Town of Marysville," and Chapter 28, intituled: "An Act to incorporate the St. Croix Electric Light and Water Company," authentic copies of which and of the other Acts of the same Session were received by the Secretary of State on the 21st June, 1886.

By the 47th section of the Act 49 Victoria, Chapter 25, the Town Council of the Town of Marysville is given power, among other things, to make by-laws: (8) To abate and cause to be removed all public nuisances; (13) To regulate the assize of bread; (14) To regulate the anchorage, lading and unlading of vessels and other craft arriving in the town; (17) To punish vice, immorality and indecency in the streets or other places within the town; (23) To restrain and punish all vagrants, drunkards, mendicants and street beggars, and (35) To prevent the injuring or destroying of trees planted within any of the streets or public grounds of the town.

To the exercise of these and similar powers as a matter of police, subject to the laws of Parliament respecting the criminal law, weights and measures, and navigation and shipping, there can, the undersigned thinks, be no objection, and in that view, and believing that such statutes must be construed as indicating an intention of the Legislature to confer such police powers only, and not as an attempt to delegate legislative authority over such subjects as those mentioned, the undersigned is of opinion that in this respect the Act may be accepted as not open to serious objection.

By the 48th section of the same Act (49 Victoria, Chapter 25), it is enacted that it shall be lawful for any police officer of the said town to take into his custody without warrant, any loose, idle or disorderly person whom he shall find between the hours of seven o'clock p.m. and six o'clock a.m. lying or loitering in any highway, yard or other place in the said town and not giving a satisfactory account of himself and also, at any time of the day or night, to take into his custody without warrant any person who shall be found drunk or feigning to be drunk, or making any loud bawling, yelling, screaming, singing or shouting in any public street, thoroughfare, alley, road or by-road or incommoding peaceable passers by loitering on the said streets or highway, and obstructing people by standing across the footpaths, &c., and keep such persons in custody until they can be taken before a magistrate. Provision is also made for the punishment of the offence by fine and imprisonment.

These provisions are in themselves unexceptionable, and in the absence of legislation by the Parliament of Canada, might perhaps be sustained as police regulations. The ground has, however, been occupied by the Parliament of Canada in the exercise of its power of legislating respecting the criminal law. See Revised Statutes of Canada, c. 157, s. 8, and c. 174, ss. 24 and 28.

In the opinion of the undersigned this section should be repealed.

By the 52nd section of the same Act it is provided among other things, that all fines, penalties or forfeitures recovered before the Police Magistrate of the Town, for any violation of any statute or common law, shall (so far as the same shall not be in conflict with any existing law) be paid to the Town Treasurer.

In view of the summary jurisdiction exercisable by Police Magistrates under the criminal law of Canada, it is desirable that in all such cases as this the language of the statute should show clearly that there was no intention to attempt to dispose of fines, penalties or forfeitures recovered or enforced under the laws of Canada, contrary to any disposition thereof from time to time made by the Parliament of Canada. In this particular and to this extent this section should, the undersigned thinks, be amended.

By the 21st section of the Act 49 Vic., Chapter 28, it is provided as follows:—

"If any person shall lay or cause to be laid any pipe or main to communicate with any pipe or main belonging to the said company, or in any way obtain or use its light or water without the consent of the directors or their officers appointed to grant such consent, he, she or they shall forfeit or pay to the said company the sum of twenty dollars, and also a further sum of four dollars for each day such pipe shall so remain, which sum, together with the costs of suit in that behalf incurred, may be recovered by civil action in any Court of competent Jurisdiction."

It has been decided that gas, (R. *vs.* Forth, L R I, C.C.R. 172, R. *vs.* White, Dear. 283) and it appears that water stored in pipes or reservoirs for the purpose of sale, is capable of being stolen (Stephen's Digest of the Criminal Law (1883) Art. 289). By the Act of the United Kingdom, 45-46 Vic., c. 56, s. 23, electricity is made the subject of larceny. There is as yet no similar provision in Canada, though it is possible that it would be held that such a case fell within the provisions of the 85th section of the Revised Statutes, Chap. 164. The section under consideration prescribes a penalty recoverable by civil action for obtaining or using the company's water or light without its consent. Apart from the doubt as to whether the provision trenches upon the criminal law by imposing a penalty for an act that amounts to larceny, especially where the water or light is fraudulently obtained or used, it is open to the objection that criminal or quasi-criminal provisions should never be inserted in private Acts if in any way such a course can be avoided. For this reason and because the provision is unnecessary, the company's right of action for any trespass existing independently of the statute, and the prohibited Act, so far as it is criminal, being punishable by the general criminal law, the undersigned thinks the section should be repealed.

The undersigned, therefore, respectfully recommends that the substance of this Report be communicated to the Lieutenant Governor of New Brunswick, with a view to his Advisers being invited to promote legislation to meet the objections suggested, and that in the meantime Your Excellency in Council defer taking any action in respect of the two Acts referred to in this Report.

All of which is respectfully submitted.

(Signed) JOHN S. D. THOMPSON,
Minister of Justice.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General on the 2nd April*, 1887.

The Committee of the Privy Council have had under consideration the Report, dated 28th March, 1887, from the Minister of Justice upon the Acts passed by the Legislature of the Province of New Brunswick in the Session held in the year 1886, Chapter 25, intituled: "An Act to incorporate the Town of Marysville," and Chapter 28, intituled: "An Act to incorporate the Saint Croix Electric Light and Water Company."

The Committee recommend that the substance of the Minister's Report be communicated to the Lieutenant Governor of New Brunswick with a view to his Advisers being invited to promote legislation to meet the objections therein suggested, and that in the meantime Your Excellency in Council defer taking any action in respect of the two Acts above referred to.

All of which is respectfully submitted for Your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

Deputy Minister of Justice to Under Secratary of State.

DEPARTMENT OF JUSTICE, OTTAWA, 29th March, 1887.

MEMORANDUM for the Under Secretary of State :

I have the honor by direction to request that, when you are in receipt of the Order in Council upon Chapters 25 and 28 of the Acts of the Legislature of New Brunswick, passed in the Session held in the year 1886, the necessary despatch be sent to the Lieutenant-Governor of that Province as soon as you can conveniently do so.

I am also to request you to telegraph the Lieutenant Governor, stating as briefly as possible the objections taken to these statutes and the suggestions made for amendments thereto.

(Signed), A. POWER,
For Deputy Minister of Justice.

Secretary of State to Lieutenant Governor.

(*Telegram.*)

DEPARTMENT OF SECRETARY OF STATE, OTTAWA, 4th April, 1887.

To His Honour
The Lieut.-Governor of New Brunswick,
Fredericton, N. B.

New Brunswick Legislation.

The following suggestions are approved by Order in Council. Section forty-eight Act of Legislature, forty-nine Vic., chapter twenty-five, covered by Revised Statutes Canada, chapter one fifty-seven, section eight and chapter one seventy-four, sections twenty-four and twenty-eight. This section should be repealed.

Section fifty-two: Language should show clearly that there is no intention to attempt to dispose of fines, penalties, of forfeitures recovered under laws of Canada contrary to disposition thereof by Parliament. Section should be so amended.

Forty-nine Victoria, chapter twenty-eight, section twenty-one, open to objection as trenching upon criminal law and as unnecessary. This section should be repealed.

Action on the above Acts is deferred to allow your advisers an opportunity of promoting legislation to meet these objections. Letter by mail. Please acknowledge this dispatch.

(Signed), J. A. CHAPLEAU,
Secretary of State.

Lieutenant Governor to Secretary of State.

(*Telegram.*)

FREDERICTON, N.B., 5th April, 1887.

Legislature prorogued two hours before your telegram reached me. Will submit it, however, at once for consideration of my Council.

(Signed) S. L. TILLEY.

To Honorable
The Secretary of State,
Hon. J. A. CHAPLEAU.

Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 5th April, 1887.

SIR,—I have the honor to acquaint you for the information of your Government that His Excellency the Governor General has had under his consideration in Council the Acts passed by the Legislature of the Province of New Brunswick in the Session held in 1886.

I am now to state that His Excellency is advised that the power of disallowance be not exercised with respect to any of the said Acts, the chapters and titles of which are given in the annexed schedule.

With regard to Chapters 25 and 28, action thereon is deferred as stated in my telegram of this day's date and they will be made the subject of a separate letter.

I have, &c.,

(Signed) J. A. CHAPLEAU,
Secretary of State.

To His Honor
The Lieutenant Governor of New Brunswick,
Fredericton, N.B.

Secretary of State to the Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 5th April, 1887.

SIR,—Adverting to the subject of my telegram of this day's date, I have now the honor to acquaint you for the information of your Government that His Excellency the Governor General has had under his consideration in Council, the Acts passed by the Legislature of the Province of New Brunswick in the Session held in the year 1886, Chapter 25, intituled: "An Act to incorporate the Town of Marysville," and Chapter 28, intituled: "An Act to incorporate the Electric Light and Water Company."

By the 47th section of the first Act, Chapter 25, the Town Council of the Town of Marysville is given power, among other things, to make by-laws :—

"(8). To abate and cause to be removed all public nuisances; (13). To regulate the assize of bread; (14). To regulate the anchorage, lading and unlading of vessels and other craft arriving in the town; (17). To punish vice, immorality, and indecency in the streets or other places within the town: (23). To restrain and punish all vagrants, drunkards, mendicants and street beggars; and (35). To prevent the injuring or destroying of trees planted within any of the streets or public grounds of the town."

To the exercise of these and similar powers as a matter of police, subject to the laws of Parliament respecting the criminal law, weights and measures, and navigation and shipping, there can, in the opinion of His Excellency's advisers, be no objection, and in that view, and believing that such statutes must be construed as indicating an intention of the Legislature to confer such police powers only, and not as an attempt to delegate legislative authority over such subjects as those mentioned, His Excellency is advised that in this respect the Act may be accepted as not open to serious objection.

By the 48th Section of the same Act (49 Victoria, Chapter 25) it is enacted that it shall be lawful for any police officer of the said town to take into his custody, without warrant, any loose, idle, or disorderly person whom he shall find between the hours of seven p.m., and six a.m., lying or loitering in any highway, yard, or other place in the said town, and not giving a satisfactory account of himself, and also, at

any time of the day or night, to take into his custody, without warrant, any person who shall be found drunk or feigning to be drunk, or making any loud bawling, yelling, screaming, singing, or shouting in any public street, thoroughfare, alley, road, or by-road or incommoding peaceable passers-by, loitering on the said streets or highway, and obstructing people by standing across the foot-paths, &c., and keep such persons in custody until they can be taken before a magistrate. Provision is also made for the punishment of the offence by fine and imprisonment.

These provisions are, in themselves, unexceptionable, and in the absence of Legislation by the Parliament of Canada, might, perhaps, be sustained as police regulations. The ground has, however, been occupied by the Parliament of Canada in the exercise of its power of legislating respecting the Criminal Law (See Revised Statutes of Canada, Chapter 157, s. 8, and Chapter 174, s. s. 24 and 28.)

In the opinion of His Excellency's Advisers, this section should be repealed.

By the 52nd Section of the same Act it is provided among other things, that all fines, penalties, or forfeitures recovered before the Police Magistrate of the town for any violation of any Statute or Common Law shall (so far as the same shall not be in conflict with any existing law) be paid to the Town Treasurer.

In view of the summary jurisdiction exercisable by Police Magistrates under the Criminal Law of Canada, it is desirable that, in all such cases as this, the language of the Statute should show clearly that there was no intention to attempt to dispose of fines, penalties, or forfeitures recovered or enforced under the laws of Canada contrary to any disposition thereof from time to time made by the Parliament of Canada. In this particular and to this extent this Section should, His Excellency is advised, be amended.

By the 21st Section of the Act 49 Vict. Chapter 29, is provided as follows:

"If any person shall lay or cause to be laid any pipe or main to communicate with any pipe or main belonging to the said Company, or in any way obtain or use the light or water without the consent of the directors or their officers appointed to grant such consent, he, she, or they shall forfeit or pay to the said Company the sum of twenty dollars, and also a further sum of four dollars for each day such pipe shall so remain, which sum, together with the costs of suit, in that behalf incurred may be recovered by civil action in any court of competent jurisdiction."

It has been decided that gas (R. *vs.* Forth, L. R. C. C. R. 172, R. *vs.* White, Dear. 283) and it appears that water stored in pipes or reservoirs for the purpose of sale, is capable of being stolen (Stephen's "Digest of the Criminal Law" (1883) Art. 289). By the Act of the United Kingdom, 45-46 Vic., c. 56, s. 23, electricity is made the subject of larceny. There is as yet no similar provision in Canada, though it is possible that it would be held that such a case fell within the provisions of the 85th section of the Revised Statutes, Ch. 164. The section under consideration prescribes a penalty recoverable by civil action for obtaining or using the Company's water or light without its consent. Apart from the doubt as to whether the provision touches upon the criminal law by imposing a penalty for an act that amounts to larceny, especially where the water or light is fraudulently obtained or used, it is open to the objection that criminal or quasi-criminal provisions should never be inserted in private Acts, if in any way such a course can be avoided. For this reason, and because the provision is unnecessary, the Company's right of action for any trespass existing independently of the statute, and the prohibited Act, so far as it is criminal, being punishable by the general criminal law, it is held by His Excellency's Advisers that the section should be repealed.

I have now to ask that the attention of your Advisers may be invited to the objections herein suggested, with a view to promoting legislation to meet the same. His Excellency being advised in the meantime to defer taking any action in respect of the two Acts referred to. I have, &c.,

(Signed) J. A. CHAPLEAU,
Secretary of State.

To His Honor
The Lieutenant Governor of New Brunswick,
Fredericton, N. B.

MANITOBA—47TH VICTORIA, 1884.

2ND SESSION—5TH LEGISLATURE.

Deputy Minister of Justice to Secretary Department of Railways and Canals.

DEPARTMENT OF JUSTICE, OTTAWA, 25th August, 1885.

SIR,—I am directed by the Minister of Justice to call the attention of the Minister of Railways and Canals to the following Acts respecting railways, passed by the Legislature of the Province of Manitoba in the Session holden at Winnipeg on 13th March, 1884, and closed by prorogation on the 3rd June following.

1. Chap. 66, intituled "An Act to amend the Act to incorporate the Northern Junction Railway Company."

The 2nd section of this Act is as follows:—

2. The 3rd section of the said Act of incorporation is hereby amended by striking thereout the words: "The terminus of the Canadian Pacific Railway at Stonewall" in the fourth and fifth lines thereof, and inserting therein in the place of the said words "the City of Winnipeg," and adding thereto the following: "Provided always that the said Company is hereby authorized to construct and operate a branch line of railway from any part of their line between Stonewall and Shoal Lake to the Town of Selkirk."

The 3rd section of the Act of incorporation is further amended by chapter 67, intituled, "An Act to further amend the Act to incorporate the Northern Junction Railway Company."

The 1st section of which is as follows:—

1. The 3rd section of the Act of incorporation is hereby repealed and the following substituted therefor:—"3. The said Company shall have full power and authority to locate, build, make, furnish, operate, alter and keep in repair a railway with double or single track, and an electric telegraph along the same, commencing at or near the City of Winnipeg, and running thence north-westerly to the northern boundary of the Province of Manitobia, with power to construct a branch line from any point on the main line to a point at or near the City of Brandon, and the Company shall have power to construct the different sections of the said railway in such order as they see fit, keeping in view the general directions as herein provided."

2. Chap. 68, intituled,: "An Act to incorporate the Emerson and North-Western Railway Company."

By the 2nd section the Company have full power and authority to lay out, construct, complete and operate an iron or steel railway from a point in the City of Emerson, in a north-westerly direction, to the Town of Portage la Prairie, also a branch line from some point on the said line north of the Pembina Mountain branch of the Canadian Pacific Railway, in a westerly or north-westerly direction to the western boundary of the Province.

Provided that nothing herein contained shall be held as authorizing the building of the road within 15 miles of the international boundary in the territory lately added to the Province.

3. Chapter 69, intituled: "An Act to incorporate the Manitoba Central Railway Company."

By this Act section 2 of Chapter 56 of 46-47 Victoria, intituled: "An Act to incorporate the Manitoba Central Railway Company," is repealed and the following substituted therefor: —

"2. The said Company shall have full power and authority to lay out, construct and operate a railway with double or single iron or steel track, and an electric telegraph line or lines along the same, such railway to commence at the Town of Morris, thence running westerly or north westerly to the western boundary of the Province, and from the Town of Morris northerly to the City of Winnipeg, and a branch of said railway running easterly or north-easterly from the Town of Morris to the Lake of the Woods: Provided always, that no line of railway constructed under the authority of this Act, shall run within 15 miles of the international boundary line, in that portion of the Province which was ceded by Acts of the Parliament of Canada, and of the Legislature of Manitoba, in the year one thousand eight hundred and eighty-one.

4. Chapter 70, intituled: "An Act to amend an Act to incorporate the Manitoba Central Railway Company and amending Acts."

By the 1st section of this Act the Act last mentioned (Chapter 69) is amended as follows: "By adding after the word "Winnipeg," in the seventh line thereof, the following words, "and from the Town of Morris southerly to the boundary line of the said Province, between the Red River and the first principal meridian in the said Province," and by adding the following words to said section: "Provided, also, that no portion of said railway shall be built in the portion of territory added to this Province in the year 1881, in such a way as to contravene the terms on which such territory was ceded to the Province."

5. Chapter 71, intituled: "An Act to incorporate the Brandon, Souris and Turtle Mountain Railway."

By the 3rd section of this Act the Company "shall have full power and authority to locate, lay out, construct, build, make, furnish, operate, alter and keep in repair a railway with one or more sets of rails or tracks, commencing from a point at or near the City of Brandon, thence south-westerly to a point at or near Turtle Mountain, and westerly to the western boundary of the said Province of Manitoba, with power to build bridges and construct and operate an electric telegraph line along the said railway, and the Company shall have power to construct the different sections of said railway in such order as they see fit, keeping in view the general directions as herein provided: Provided always, that the said Company shall not construct any portion of its lines within 15 miles of the international boundary line between this Province and the United States."

6. Chapter 72, intituled: "An Act to incorporate the Winnipeg and North-Eastern Railway Company of Manitoba."

By the 2nd section the "Company have full power to lay out, construct, complete, maintain and operate an iron or steel railway from a point at or near the town of East Selkirk, in a northerly direction, on the east side of Lake Winnipeg, to a point within the Province at or near "Family Lake" or Berens River, and from the first mentioned point, southerly, to the City of Winnipeg, and thence westerly on the south side of the River Assiniboine to the town of Portage la Prairie, crossing the River Assiniboine at such point as may appear to the Company to be best, also a branch line from the town of East Selkirk westerly to any point in the main line of the Canadian Pacific Railway or upon the Manitoba and North-Western Railway east of the White Mud River."

7. Chapter 73, intituled: "An Act to give the town of Nelson certain powers for the construction of a railway."

By the first section "the town of Nelson, hereinafter called 'the town,' shall be, and hereby is, authorized and empowered to lay out, construct, complete, equip and operate a line of railway and electric telegraph from any point within the town, to connect with the Pembina Mountain Branch of the Canadian Pacific Railway at or near Morden, a station on the said branch."

I am to state that the Minister of Justice sees no objection to leaving these Acts to their operation, except there are objections touching the general railway policy of the Dominion, and so far as he is able to judge, there is no objection from this point of view, to leaving Chapters 66, 67 and 71 to their operation, but with respect to this, as well as to the question as to how far the other Charters may be in accordance with the policy of the Government respecting the granting of Charters to railways in Manitoba and the North-West Territory, he would be glad to be favored with the views of the Minister of Railways and Canals.

I have, &c.,

(Signed) GEO. W. BURBIDGE,
Deputy Minister of Justice.

Deputy Minister of Justice to Secretary Department of Railways and Canals.

DEPARTMENT OF JUSTICE, Ottawa, 21st January, 1886.

SIR,—On the 25th August last I addressed you a letter calling the attention of the Minister of Railways and Canals to certain Acts (Chaps. 66, 67, 68, 69, 70. 71, 72 and 73) respecting railways, passed by the Legislature of the Province of Manitoba in the Session of 1884, and requesting to be favored with the views of the Minister of Railways and Canals thereon.

I am to ask for an early reply to my letter.

I have, &c.,

(Signed) GEO. W. BURBIDGE,
Deputy Minister of Justice.

To the Secretary
Department of Railways and Canals.

Secretary of Department of Railways and Canals to Deputy Minister of Justice.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 21st October, 1885.

SIR,—With reference to your letter of the 25th August last, I send by direction herewith, a copy of the general map published by the Department of the Interior which shows the location of the different lines of railway of which your communication makes mention.

I have, &c.,

(Signed) A. P. BRADLEY,
Secretary.

GEO. W. BURBIDGE, Esq., Q.C.,
Deputy Minster of Justice,
Ottawa.

Secretary of Department of Railways and Canals to Deputy Minister of Justice.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 20th February, 1886.

SIR,—Replying to your letters of the 25th of August and 21st of January last, by which you ask to be informed as to the views of the Minister of this Department

in respect of certain Railway Acts passed by the Legislature of the Province of Manitoba in the Session of 1884, I have the honor by direction to state that the charters so granted to the undermentioned Railways should be disallowed, namely:

The Emerson and North-Western Railways and the Manitoba Central Railway Company. With regard to the other lines enumerated, the Minister does not consider that interference is necessary.

I have, &c.,

(Signed) A. P. BRADLEY,
Secretary.

The Deputy Minister of Justice.

Report of the Hon. the Minister of Justice upon Chapters 68, 69 and 70.

DEPARTMENT OF JUSTICE, OTTAWA, 25th February, 1886.

To His Excellency the Governor General in Council:

The undersigned has the honor to report upon the Acts of the Legislature of the Province of Manitoba passed in the Session held in the year 1884, which are mentioned in the annexed schedule, and which were reserved for a separate Report.

With the papers will be found correspondence between the Minister of Justice and the Minister of Railways and Canals with respect to these Acts. From this correspondence it will be observed that the Minister of Railways and Canals is of opinion that the Acts relating to the Emerson and North-Western Railway Company and the Manitoba Central Railway Company should be disallowed.

The undersigned understands that the objection of the Minister to these acts is based upon an apprehension that thereby the companies mentioned will be able to divert trade from the Canadian system of Railways to the Railways of the United States and that the objection applies to:—

Chapter 68, intituled, "An Act to incorporate the Emerson and North-Western Railway Company," and

Chapter 70, intituled, "An Act to amend an act to incorporate the Manitoba Central Railway Company," and amending Acts, but not to

Chapter 69, intituled, "An Act to amend an Act to incorporate the Manitoba Central Railway Company."

The undersigned has the honor respectfully to submit the correspondence for the consideration of Your Excellency in Council.

(Signed) JOHN S. D. THOMPSON.
Minister of Justice.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the* 22*nd March,* 1886.

On a memorandum, dated 25th February, 1886, from the Minister of Justice submitting the correspondence with the Minister of Railways and Canals with respect to certain Acts of the Legislature of the Province of Manitoba passed in the Session of 1884, and which were reserved for a separate report.

The Minister observes that it will be seen from this correspondence that the Minister of Railways and Canals is of opinion that the Acts relating to the Emerson and North-Western Railway Company and the Manitoba Central Railway Company should be disallowed.

The Minister further observes that the objections of the Minister of Railways and Canals to these Acts is based upon an apprehension that thereby the Companies mentioned will be able to divert trade from the Canadian system of railways to the railways of the United States, and that the objection applies to:

Chapter 68, intituled: "An Act to incorporate the Emerson and North-Western Railway Company," and Chapter 70, intituled: "An Act to amend an Act to incorporate the Manitoba Central Railway Company," and amending Acts, but not to

Chapter 69, intituled: "An Act to amend an Act to incorporate the Manitoba Central Railway Company."

The Minister submits the correspondence for the consideration of Your Excellency in Council.

The Committee advise that the Acts of the Legislature of Manitoba passed in the Session held in the year 1884:

Chapter 68, intituled: "An Act to incorporate the Emerson and North-Western Railway Company, and

Chapter 70, intituled: "An Act to amend an Act to incorporate the Manitoba Central Railway Company," and amending Acts, be disallowed accordingly: but that the power of disallowance be not exercised with regard to the Act,

Chapter 69, intituled: "An Act to amend an Act to incorporate the Manitoba Central Railway Company."

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

MANITOBA, 48TH VICTORIA, 1885.

3RD SESSION, 5TH LEGISLATURE.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 18th December, 1885.

SIR,—I am directed to invite your attention to the fact that no copies of the Acts passed at the last Session of the Legislature of the Province of Manitoba have yet been received at this Department, and to request that you will be so good as to cause the customary number of copies, certified and uncertified, to be transmitted to me with as little delay as possible.

I have, &c.,

(Signed) G. POWELL,
Under Secretary of State.

To His Honor
The Lieutenant Governor of Manitoba,
Winnipeg, Man.

Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 26th February, 1886.

SIR,—I have the honor to request that you will inform me when I may expect to receive copies of the second volume of the Statutes of the Province of Manitoba, passed in the year 1885.

I have, &c.,

(Signed) J. A. CHAPLEAU,
Secretary of State.

To His Honor
The Lieutenant-Governor of Manitoba,
Winnipeg.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, WINNIPEG, MAN., 16th March, 1886.

SIR,—Referring to your despatch of the 26th ultimo, I have now the honor to forward to your address copies of the Bound Statutes of Manitoba for 1885, Vols. 1 and 2, duly certified to by the Clerk of the Executive Council.

I have, &c.,

(Signed) J. C. AIKENS,
Lieutenant Governor.

Honorable J. A. CHAPLEAU,
Secretary of State, Ottawa.

Petition from Residents of Manitoba with respect to Chapter 17.

To His Excellency the Governor General in Council:

The petition of the undersigned residents of Manitoba, representing the varied commercial and industrial interests of the Province, humbly sheweth:—

That at the last session of the Legislature of Manitoba, an Act was passed (Chapter 17) entitled "An Act respecting the Administration of Justice," a copy of which, with a digest of a portion thereof, accompanies this petition. That certain exemption provisions embraced in said Act, while making radical changes in the relationship of debtor and creditor in this Province, must, if allowed to remain in force, prove a barrier to the progress and settlement of Manitoba, a hardship upon its struggling settlers, and a great injustice to financial and commercial interests.

Before referring to the objectional provisions of the Act, let us state that previous to its passage the exemption law of Manitoba was much more liberal and generous to the debtor than that of any other Province of the Dominion, and while affording an effectual protection of the homestead of the settler from a rapacious creditor, did not place the former beyond the reach of legal measures by which debts could be collected from him. Also, that the passing of the Act of the past session was accomplished by our Local Legislature in a hurried manner, and during a time of excitement over the outbreak of rebellion in the adjacent territory of the North-West, and consequently did not receive that careful consideration by the Legislature, or oppor-

tunity for public consideration of its provisions, which such an important measure was entitled to. And further, that previous to its passage there had been no public cry against the then existing exemption law, no petition presented for any changes therein, and as far as the desires of the public were concerned there existed no necessity whatever for the passing of the Act against which your petitioners complain. Furthermore, previous to the passage of the Act, a deputation from the Winnipeg Board of Trade waited upon the members of the Local Government and the Committee of the House, and after urging the withdrawal of the Bill, and failing to secure the same, received from the members of said Committee, promises as follows:—First. That the Act should not be made retroactive, or to affect in any way debts contracted before its passing. Second. That while a homestead should be exempt from seizure and sale so long as the settler actually occupied and used the same, judgments should hold to the extent of preventing the sale or abandonment of same. Both of these promises have been disregarded, as the copy of the Act now furnished plainly shows.

Your petitioners wish first to draw attention to the injustice of the Act to creditors both in this and other provinces. By the terms of the same, agricultural residents have exempt from execution one hundred and sixty acres of land, while there is practically no limit to the value of buildings, machinery and so forth thereon, which are also exempt. In cities and towns a debtor has exempt real estate to the value of twenty-five hundred dollars and personal property to the value of five hundred dollars, and no judgment obtained or registered against any debtor can be placed as a lien against such real estate in either case, or in any way prevent the debtor from granting a clear title in case he wishes to sell or mortgage. There is, therefore, an effectual cover provided for dishonest debtors who have increased the value of their exempt property by credit obtained, to sell out, pocket the proceeds of sale, put their creditors at defiance, and leave the Province.

But the greatest injustice of the Act lies in its being retroactive, in that it applies to debts contracted before, as well as after its passage. In this new Province, which has naturally attracted a very considerable number of immigrants, many of whom have but limited means, the building up to a certain extent of a system of credit has been inevitable, and the aggregate of debts owed by the residents of the Province is necessarily large, and the retroaction of this law places a very large proportion of this indebtedness beyond the possibility of collection by any process of law, although the obligations were incurred with all the privileges of the former law available to creditors. Thus the liberal creditor who has acted with leniency and generosity to his struggling neighbors, must now be the sufferer.

The effect of this objectionable Act upon the progress and settlement of the Province is another point well worthy of the consideration of Your Excellency. The action of banks, loan companies, and other financial and commercial institutions, firms, and individuals will undoubtedly be to curtail greatly, and in some cases to entirely close down on credit except so far as the very objectionable system of chattel mortgage security is adopted. There is practically no other safe course open to them, and its adoption will be nothing short of a calamity to the whole Province, and especially to that portion of our settlers who are not possessed of the means to carry on either trade or farming on a cash basis.

While believing that the time is specially inopportune for the passing of such an Act in this Province, your petitioners also venture to suggest, that the interests of trade in the Dominion at large forbid the passing of an Act in any Local Legislature, interfering so violently as this Act does with the rights of creditors.

Your petitioners further beg to draw the attention of Your Excellency to another Act passed in the same session of the Manitoba Legislature, a copy of which is attached hereto, entitled " An Act to amend Chapter 37 of the Consolidated Statutes of Manitoba."

This Act has been repealed by the Administration of Justice Act already referred to, but will again come into force by the disallowance of the last mentioned Act. It

therefore becomes necessary to draw Your Excellency's attention to the provisions of the repealed Act.

These provisions your petitioners submit are open to the same objections as the Administration of Justice Act, and should also be disallowed.

After weighing carefully these and other considerations, as we rest assured Your Excellency will, your petitioners pray that Your Excellency may be graciously pleased to disallow both of the Acts above referred to, and allow our Province to return to the law in force before their passing, which furnished ample protection to the debtor against oppression, while causing no injustice to the creditor.

And your petitioners as in duty bound will ever pray.

Opinion of Mr. Ewart, Q. C., upon Chapter 17.

The changes effected by the Act of last Session with regard to property exempt from seizure under execution, may best be shown by placing the old and present laws in parallel columns.

OLD LAW.	NEW LAW.
The following personal and real estate are hereby declared free from seizure by virtue of all writs of execution, issued by any court in this province, namely :—	(No change).
1. The bed, the bedding and bedsteads in the common use of the defendant and his family.	1. The bed and bedding in the common use of the judgment debtor and his family, and also his household furniture and effects not exceeding in value the sum of $500.
2. The necessary and ordinary clothing of the defendant and his family.	2. (No change).
3. The necessary stoves with their pipes for the domestic use of the defendant and his family, a table, the necessary and ordinary kitchen utensils and table crockery belonging to the defendant and his family; a spinning wheel, a weaver's loom, the books of a professional man, one axe, one saw, one gun, six traps, the nets and seines used by the defendant.	3. Twelve volumes books (the books of a professional man) one axe, one saw, one gun, six traps, the nets and seines used by the judgment debtor. (Furniture, *see ante*).
4. The necessary food for the defendant's family during 60 days; provided however, that such exemption shall only apply to such food and provisions as may be in the possession of the defendant at the time of seizure.	4. The necessary food for the judgment debtor and his family during 60 days; provided however, that such exemption shall only apply to such food and provisions as may be in his possession at the time of seizure.
5. Two cows, three oxen or three horses or mules, four sheep, two pigs, twelve fowls and the food for the same for 60 days; provided however, that such exemption as to horses shall apply only in case they are used by the judgment debtor in earning his living.	5. (No change)

6. The tools and necessaries used by the defendant in the practice of his trade or profession, to the value of $200.	6. The tools, agricultural implements and the necessaries usedb by the judgment debtor in the practice of his trade, profession or occupation to the value of $500.
7. The articles and furniture necessary to the performance of religious service.	7. (No change).
8. The land cultivated by defendant, provided the extent of the same be not more than 160 acres; in case it be more the surplus may be sold, subject to any lien or incumbrance thereon. (N.B.—Practically, land not exempt at all, *see post*).	8. The land upon which the defendant or his family resides, or which he cultivates, either wholly or in part, or which he actually uses for grazing or other purposes, provided the same be not more than 160 acres; in case it be more, the surplus may be sold, subject to any lien or incumbrance thereon; said 160 acres must be outside the limits of any city or town.
9. The houses, stables, barns, and fences on the defendant's farm, subject however as aforesaid.	9. The houses, stables, barns, and fences, or the judgment debtor's farm, subject however as aforesaid.
10. All the necessary seeds of various varieties or roots for the proper seeding and cultivation of 30 acres.	10. (No change).
	11. The actual residence or home of any person other than a farmer in any city, town or municipality, provided the same does not exceed the value of $2,500; and if the same does exceed the value of $2,500 then before such residence or home shall be sold, the sum of $2,500 shall be paid to, or secured to, the person whose residence or home is to be sold, which said sum, or the security therefor, or any security in which the same may thereafter be invested, shall be exempt from seizure under execution, garnished or attached for debts.
12. Provided however, that no sale of any growing crops (whether grain or roots) shall take place until after the same have been harvested and threshed, or taken and removed from the ground, when, after all charges for harvesting, threshing, taking and removing have been paid, and all exemptions claimed and reserved, the balance may be subject to be sold.	12. No sale of any growing crops (whether grain or roots) shall take place until after the same have been harvested or taken and removed from the ground.

ACT RETROSPECTIVE.

There can be no doubt that the greater number of transactions entered into under the old law will be most injuriously affected by the new. Those cases, only, in which judgments had been recovered and executions actually placed in the Sheriff's hands prior to the passing of the new Act will be governed by the old law. All old

debts, or debts arising out of old transactions which remain to be sued, or are even in progress of suit, come under the new Act; and the new exemption law will therefore apply to them.

Prior to the recent legislation, although land cultivated by the judgment debtor to the extent of 160 acres was exempt from seizure by the sheriff, yet all such land might have been sold by proceedings in equity. To accomplish this the judgment was registered in the Registery Office and the statute gave to a judgment so registered the effect of a mortgage executed by the judgment debtor. The creditor having thus acquired a lien upon the land might file a bill, at any time, for its enforcement, that is for the sale of the land. Practically, therefore, land was not exempt from the payment of debts.

By section 111 of the new statute no land can be sold in equity, if it be exempt from seizure by the sheriff; and all liens acquired by existing registered judgments are swept away, unless proceedings in equity for the sale of the land have actually been commenced before the passage of the Act.

Creditors, therefore, who, having obtained by registration of judgment a mortgage upon their debtor's lands were content to hold their security without taking active steps to enforce it, now find that their leniency is rewarded by a legislative abolition of their liens.

Again, in cases in which prior to the Act a judgment had been registered by one creditor, in advance of an execution placed in the sheriff's hands by another, and the debtor had lands liable under the old Act, but exempt under the new, the effect will be that the judgment is effaced while the execution remains in full force against the lands.

While a farmer's 160 acres are under the new Act exempt from seizure, there is nothing in the Act which will prevent him selling the land, no matter how valuable, and with the proceeds leaving the province. The law, therefore, in its operation is not confined to persons desirous of continuing farming operations in Manitoba.

INTRA OR ULTRA VIRES.

There can be no doubt that there are many sections of the Act which are *ultra vires* Those pertaining to exemptions are *intra vires*, but most of those relating to criminal procedure (ss. 192-204) are clearly beyond the power of the Legislature.

Upon this ground, even if there were no others, the Governor General in Council, may probably, see fit to disallow the Act.

J. S. EWART.

Petition of Montreal Board of Trade.

To His Excellency the Most Honorable Henry Charles Keith Petty-Fitzmaurice, Marquis of Lansdowne, &c., &c., Governor General of the Dominion of Canada, in Council:—

The Petition of the Montreal Board of Trade, and of merchants, manufacturers, bankers, &c., of the City of Montreal, humbly sheweth:—

That your Petitioners are informed that under the designation of "An Act for the better Administration of Justice, 1885," the Legislature of the Province of Manitoba has recently enacted a Homestead Exemption Law, the essential provisions of which are of a comprehensive and extraordinary kind;

That your Petitioners would not call in question the right of the Legislature of Manitoba, or of any other Province in the Dominion, to make adequate provision for the faithful Administration of Justice within its bounds, or to enact a fair and equitable homestead exemption law that would not only invite settlers, but which would

assist in providing for the maintenance of the families of honest and industrious but unfortunate settlers, who might become financially embarrassed by the vicissitudes of trade;

That your Petitioners have, however, been informed that the aforesaid Homestead Exemption Law is retroactive in its action, and that it is believed, hundreds of thousands of dollars will in consequence be taken from innocent creditors in other Provinces, who could not, at the time these debts were incurred, have anticipated, or protected themselves from, the intervention of such a statute as that hereinmentioned, which is certain to be taken advantage of to prevent the payment of what is justly due to them in consequence of credit extended aforetime to merchants, Traders, and others in the Province of Manitoba;

That your Petitioners, as well as many others elsewhere, have had extensive business connections with the people of the Province of Manitoba, entered upon in good faith, and where the interests of creditors could not be imperilled by the unjustly broad exemption of the Homestead Exemption Law in question;

That it appears to your Petitioners, however, that the provisions of this unexpected Homestead Exemption Law may now, at any moment, be invoked to prevent the payment of just debts arising out of business transactions which have heretofore taken place, so that confiding creditors in other Provinces have unexpectedly had their just rights legislated away by a so-called Act to provide for the better administration of Justice.

Wherefore your Petitioners do most earnestly represent that there is pressing necessity for a full and careful examination into the character of the Homestead Exemption included in the aforesaid "Better Administration of Justice Act, 1885," of the Province of Manitoba, with a view to disallowing it, at least so far as its provisions may be *ex post facto* and unconstitutional, or for fixing a future date at which its provisions might come into operation, so as to admit of existing transactions between Debtors and Creditors in Manitoba being equitably arranged.

And your Petitioners, as in duty bound, will ever pray, &c., &c.

[L. S.]

Signed on behalf of the Petitioners.

JOHN KERRY,
President Montreal Board of Trade.

WM. J. PATTERSON,
Secretary.

MONTREAL, 4th June, 1885.

Mr. J. E. Steen to His Excellency the Governor General.

WINNIPEG, MAN., 5th June, 1885.

To His Excellency
The Governor General in Council.

Enclosed Your Excellency will find a copy of a resolution passed by the Winnipeg Board of Trade at a meeting held on May 29th, 1885, and which I humbly beg to submit for Your Excellency's consideration.

In connection with the enclosed resolution, a petition for the disallowance of the Act of the Manitoba Legislature there referred to is now being signed all over this Province, and in the course of another week, our Board hope to be able to lay the same before you for consideration.

I have the honor to be,

Your Excellency's
Most humble servant,

(Signed) JAMES E. STEEN,
Secretary.

COPY *of Resolution moved by Mr. J. H. Ashdown, seconded by Mr. R. J. Whitla and carried unanimously.*

Resolved: That in the opinion of this Board the Act respecting the Administration of Justice, passed at the last Session of the Manitoba Legislature, embraces exemptions which are most unjust and detrimental to the best interests of this country and its business community, and specially the retroactive provisions in connection with said exemptions, and that every effort should be made to secure the disallowance of the Act by the Governor General in Council.

Certified a correct extract from the minute book of the Winnipeg Board of Trade.

(Signed) JAMES E. STEEN.

Secretary.

Petition of certain Loan Companies with respect to Chapter 17.

To His Excellency the Most Honorable the Marquis of Lansdowne, Governor General of Canada in Council:

The Petition of the following Loan Companies:—

The Canada Permanent Loan and Savings Company;
The Trust and Loan Company;
The Canada Landed Credit Company;
The Freehold Loan and Savings Company;
The Western Canada Loan and Savings Company;
The London and Canadian Loan and Agency Company;
The Building and Loan Association;
The London and Ontario Investment Company;
The Farmers' Loan and Savings Company;
The National Investment Company;
The British Canadian Loan and Investment Company;
The Imperial Loan and Investment Company;
The People's Loan and Deposit Company;
The Union Loan and Savings Company;
The United Empire Loan Corporation;
The North of Scotland Canadian Mortgage Company;
The Bristol and West of England Canadian Land Mortgage and Investment Company;

Humbly sheweth as follows:—The Legislature of Manitoba, at its last Session, passed an Act entitled: "An Act respecting the Administration of Justice," wherein the relations of debtor and creditor are seriously interfered with, and wherein the real and personal property of debtors are to a large extent exempted from seizure under execution.

Your Petitioners humbly and earnestly pray that the Act in question be disallowed, on the following grounds:—

1. Because it is an interference with existing contracts and with vested rights.

If the Act had been made to apply to future transactions only, the mercantile, manufacturing, banking and financial communities could have governed themselves accordingly; but it is made to apply to all existing transactions, and hence the effect is to place creditors to the extent of millions of dollars, entirely at the mercy of their debtors, and to make promissory notes for very large amounts now in the banks under discount, of very little value, and cannot fail, if not disallowed, to result in very many cases in ruin and serious embarassment, and in bringing discredit upon the Province of Manitoba itself.

2. Because so large and sweeping exemptions are made in favor of debtors against creditors who gave credit under an entirely different state of affairs than the

passing of this Act has created. And in the case of mortgagees, deprives them of any benefit as a rule from personal covenants in mortgages.

3. Because, if the passing of an Insolvent Act for the Dominion of Canada pertains to the Federal Government, such Act being to regulate the distribution of the estates of insolvents and for the prevention of frauds by insolvent debtors, it is not competent, in the opinion of your Petitioners, for the Legislature of any Province to pass an Act practically confiscating existing debts, giving encouragement to fraud, and sheltering the fraudulent debtor behind legal barriers that render it impossible for creditors to reach them, or recover from them the debts they owe.

4. Because the Act complained of, and protested against by your Petitioners, cannot but result in serious interference with trade between Manitoba and the other Provinces; with the settlement of the country, and generally that it directly encroaches upon the domain of "trade, banking and commerce," the control of which is vested in the Dominion Parliament; and your Petitioners therefore pray that for the reasons before mentioned the said Act be disallowed, and that the present Exemption Act remain in force.

And your petitioners will ever pray.

THE CANADA PERMANENT LOAN AND SAVINGS COMPANY.
(Signed) J. W. MASON,
Manager.

THE TRUST AND LOAN COMPANY.
(Signed) RIELY DAW,
Commissioner.

THE CANADA LANDED CREDIT COMPANY.
(Signed) D. MCGEE,
Secretary.

THE FREEHOLD LOAN AND SAVINGS COMPANY.
(Signed) S. C DOON,
Manager.

THE WESTERN CANADA LOAN AND SAVINGS COMPANY.
(Signed) WARREN S. LEE,
Manager.

THE LONDON AND CANADIAN LOAN AND AGENCY COMPANY.
(Signed) J. TURNBULL,
Registrar.

THE BUILDING AND LOAN ASSOCIATION.
(Signed) WALTER GILLESPIE,
Manager.

THE LONDON AND ONTARIO INVESTMENT COMPANY.
(Signed) A. M. CROSBY,
Manager.

THE FARMERS' LOAN AND SAVINGS COMPANY.
(Signed) CHAS. C. BETHUNE,
Manager.

THE NATIONAL INVESTMENT COMPANY.

(Signed) A. RUTHERFORD,
Manager.

THE BRITISH CANADIAN LOAN AND INVESTMENT COMPANY.

(Signed) A. H. CAMPBELL,
President.

THE IMPERIAL LOAN AND INVESTMENT COMPANY.

(Signed) A. KERTLAND,
Manager.

THE PEOPLE'S LOAN AND DEPOSIT COMPANY.

(Signed) WILLIAM ELLIOT,
President.

THE UNION LOAN AND SAVINGS COMPANY.

(Signed) W. MACLEAN,
Manager.

THE UNITED EMPIRE LOAN CORPORATION,

(Signed) JAS. SCROGGIE,
Manager.

THE NORTH OF SCOTLAND CANADIAN MORTGAGE COMPANY.

(Signed) OSLER & HAMMOMD,
Managing Directors.

THE BRISTOL AND WEST OF ENGLAND CANADIAN LAND MORTGAGE AND INVESTMENT COMPANY.

(Signed) WILLIAM KERSTMAN, jun.,
Manager.

TORONTO, 6th June, 1885.

Petition of Brantford (Ont.) Board of Trade.

To His Excellency the Marquis of Lansdowne, Governor General of Canada, Ottawa :

The petition of the Board of Trade of the City of Brantford, Province of Ontario, respectfully showeth :—

That this Board views with feelings of the greatest alarm the Exemption Act recently passed by the Legislature of the Province of Manitoba ;

That the exemptions are of such a sweeping character as practically to relieve the farmers and many traders from the payment of their just debts ;

That the Act interferes with the vested rights of many who have already sold goods in Manitoba on credit and in good faith ;

That such an Act must seriously injure the credit of the Province of Manitoba, as, if it becomes law, it must lead to all goods being sold for cash before delivery ;

That owing to the retroactive character of the Act it will do immense injury to the banks and all others doing business in the Province of Manitoba.

For the reasons now recited this Board humbly petitions Your Excellency to disallow said Act, and your petitioners will ever pray.

(Signed) ROBERT KERRY,
President, Brantford Board of Trade.
GEORGE H. WILKES,
Secretary, Brantford Board of Trade.

Dated at Brantford, this 6th day of June, 1885.

Hon. Chief Justice Wallbridge to Hon. the Minister of Justice.

WINNIPEG, 9th June, 1885.

SIR,—I beg to forward you an Act passed during the last Session of the Manitoba Legislature, intituled: "An Act respecting the Administration of Justice." Clause 117, sub-section 1, 8 and 11 are the clauses and sub-sections containing the exemptions about which the press is making complaint. It is said that a demand will be made for the disallowance of this Act. This Act as now existing contains the whole (or nearly so) of the practice of our Court of Queen's Bench and to disallow this Act would throw the whole of our practice into confusion. If the exemption clauses are as objectionable as is contended for, it would be better to repeal those clauses at the next sitting of the Local Legislature. Those who are asking for its disallowance I think hardly know that the exemptions are contained in a few clauses of a Bill of 61 pages.

Yours very truly,
(Signed) LOUIS WALLBRIDGE.

The Honorable Minister of Justice,
Ottawa.

Secretary of State to Lieutenant Governor.

DEPARTMENT OF SECRETARY OF STATE, OTTAWA, 10th June, 1885.

SIR,—I have the honor to transmit to you, herewith, for the information of your Government and for such remarks as they may see fit to make thereon, a copy of a petition to His Excellency the Governor General from the Canadian Binder Manufacturers Association praying, for the reasons therein set forth, that the Act passed at the recent Session of the Legislature of the Province of Manitoba, intituled: "The Manitoba Exemption Act" may be disallowed.

I have at the same time to request that you will be pleased to procure, for the information of the Government, an authenticated copy of the said Act as already applied for by telegram.

I have, &c.,
(Signed) J. A. CHAPLEAU,
Secretary of State.

His Honor
The Lieutenant Governor,
Manitoba.

Petition of the Canadian Binders Manufacturers Association.

ST. THOMAS, 30th May, 1885.

To His Excellency the Most Honourable the Marquis of Lansdowne, Governor General of Canada, in Council.

The Petition of the Canadian Binders Manufacturers Association consisting of the following firms, viz.:—

Cochrane Manufacturing Company, St. Thomas.
Chatham Harvester Company, Chatham.
Massey Manufacturing Company, Toronto.
A. Harris, Son & Company, Limited, Brantford.
Patterson Bros., Patterson.
David Maxwell, Paris.
R. Sylvester, Lindsay.
Knight & Wilson, Alliston.
Gurney Manufacturing Company, Dundas.
Jno. Elliott & Son, London.
North American Manufacturing Company, London.
Watson Manufacturing Company, Ayr.
Fleury Estate, Aurora.
Frost & Wood, Smith's Falls.
Mott, Grout & Co., Grimsby.

carrying on business in the Dominion of Canada, humbly sheweth, as follows:—

That whereas an Act has just been passed by the Legislature of Manitoba intitled: "The Manitoba Exemption Act," which amongst others contains the following provisions:—Besides exempting household effects to the value of $500 it releases from seizure the whole of any farm, no matter how valuable, to the extent of 160 acres, when occupied by the owner. All out-buildings thereon with a large allowance for horses, cattle, stock and implements; it also exempts the residence of a trader in a town to the value of $2,500, besides his furniture to the value of $500, and applies to existing debts as well as to those contracted in the future.

That in view of such exemption it practically places every farmer in Manitoba beyond the reach of seizure, and renders it impossible to collect a debt from him.

That your petitioners have large outstanding claims secured only by promissory notes from the settlers in said Province, aggregating in all to about a million of dollars and have still much more to mature, and your petitioners submit that if the said Act becomes law, the greater bulk of the paper they now hold against Manitoba and North-Western farmers will be worthless and nothing can be collected thereon, and it will further have the tendency of compelling said manufacturers to sell in the future only for cash, which we submit would be a great injustice to the country and intending settlers as they would be unable to obtain the necessary implements.

In the past the manufacturers have sold very largely on credit, as the settlers, as in all new countries are comparatively poor, and could not purchase in any other way, relying on the ultimate prosperity of our Great North-West, and having assumed risks in that country that they would not otherwise have done. They have been one of the chief factors in opening up the new country by supplying the farmers with the necessary farming implements, without which, success would have been impossible and have done so on credit relying on the future, and we further submit that if the said Act becomes law it will react on the Province of Manitoba by destroying her credit.

That the said Act is unconstitutional as it affects vested rights and applies to existing debts in such a way to practically abolish them under the supposition that farmers would pay who now wont.

That your Petitioners have a great amount of Manitoba paper in the banks at the present time and on which money has been advanced, the banks holding the same

as collateral security, and we submit that they (the banks) would look upon said paper as worthless and would compel the manufacturers to provide additional security, which would be impossible in many cases, thereby causing financial ruin to many if not all, and we submit that when such paper matures the makers could escape payment by means of this Act, as very few are worth more than what is exempted by said Act.

That your Petitioners are grieved that such an iniquitous and unreasonable Act should have passed, as it means curtailment of credit, stoppage of business, blasting the future prospects of intending settlers, injuring the speedy settlement of the country, confiscating your Petitioners' property, and many other evils, and your Petitioners therefore pray that the said Act be disallowed for the reasons before mentioned, and that the present exemption Act remain in force.

And your Petitioners will ever pray.

(Signed) ADAM COCHRANE, St. Thomas,
President.

(Signed) JASKIN OSBORNE, Brantford,
Vice President.

(Signed) C. W. CARTWRIGHT, St. Thomas,
Secretary.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, WINNIPEG, MANITOBA, 24th June, 1885.

SIR,—I have the honor to transmit herewith a Report from my Provincial Secretary, in reply to your despatch of the 10th inst., transmitting a copy of a Petition to His Excellency the Governor General, from the Canadian Binder Manufacturers Association, on the subject of exemption in this Province.

I have, &c.,

(Signed) J. C. AIKINS,
Lieutenant Governor.

The Honorable
The Secretary of State,
Ottawa.

Hon. the Provincial Secretary to Lieutenant Governor.

DEPARTMENT OF PROVINCIAL SECRETARY,
WINNIPEG, MAN., 23rd June, 1885.

SIR,—I have the honor to acknowledge the receipt of a despatch from the Hon. the Secretary of State for Canada, transmitting a copy of a petition to His Excellency the Governor General, from the Canadian Binders Manufacturers' Association, praying, for the reasons therein set forth, that the Act passed at the recent session of the Legislature of this Province, intituled the "Manitoba Exemption Act," may be disallowed, and asking this Government for such remarks as we may see fit to make thereon.

In answer, I have the honor to state that no Act intituled as above was passed by the Manitoba Legislature at its last session, but that the petitioners probably wish to refer to the "Act respecting the Administration of Justice," containing certain provisions with reference to exemptions from seizure, passed during the last session, and a copy of which has been since forwarded to Your Honor for transmission to Ottawa.

The question raised by the petitioners has been fully discussed in Council, and the Hon. the Attorney General, who is now on his way to Ottawa, has been requested to have an interview with the Hon. the Minister of Justice, respecting those of the provisions of this Act which are objected to; and should we judge it expedient so to do, the Government will introduce such amendments as may be found necessary at the coming session of the Legislature.

I have, &c.,

(Signed) A. A. C. LARIVIÈRE,

Acting Provincial Secretary,

His Honor the Lieutenant Governor,
Government House.

Mr. J. H. Wilson, M.P., to Hon. the Secretary of State.

HOUSE OF COMMONS, OTTAWA, 13th June, 1885.

SIR,—Please find enclosed petition of the St. Thomas Board of Trade to His Excellency, Governor General of Canada, which you will please lay before him as requested.

I have, &c,

(Signed) J. H. WILSON, M.P.

The Hon. the Secretary of State,
Ottawa.

Petition of St. Thomas (Ont.) Board of Trade.

To the Most Honorable the Marquess of Lansdowne, G.C.M.G., Governor General of Canada.

MAY IT PLEASE YOUR EXCELLENCY,—

The petition of the St. Thomas, Ontario, Board of Trade, humbly sheweth:

That the said Board of Trade, being a body corporate, composed of many of the business men of the said city, fearing the effect of an Act passed by the Legislature of the Province of Manitoba relating to the exemption of certain property from seizure under execution, at a largely attended meeting held the 8th instant, unanimously passed the following resolution:—

"*Resolved,* That this Board having had read over to them the Act lately passed by the Manitoba Legislature relating to exemptions from executions, consider the same opposed to the policy of British and Canadian legislation and detrimental to trade, and this Board particularly emphasise their protest against the *ex post facto* provisions of the measure, which are iniquitable and unjust, and impair the obligation of contracts entered into with many citizens of Manitoba in good faith, and under the sanction of the then existing laws of that Province, and which, if given effect to, will amount to repudiation of honest debts, by burdening the remedy for the collection of the same, thus rendering it useless; and therefore, that this Board memorialize His Excellency, the Governor General, to disallow the said Act, or so much thereof as will be retroacting in its operations; and your petitioners, as in duty bound, will ever pray.

(Signed) M. A. GILBERT,

President St. Thomas Board of Trade.

(Signed) J. W. STEWART,

Secretary.

ST. THOMAS, ONT., 9th June, 1885.

Mr. W. H. Rowley to Secretary of State.

MERCHANTS BANK OF CANADA, OTTAWA, 13th June, 1885.

SIR,—I have the honor to enclose herewith a petition, in duplicate, of the Banks of the Province of Quebec, respecting the "Manitoba Exemption Act" and to request that the petition be submitted to His Excellency the Governor General in Council.

I have, &c.,

(Signed) W. H. ROWLEY,
Manager.

The Hon. the Secretary of State,
Ottawa.

Petition of certain Banks in the Province of Quebec.

To His Excellency the Governor General in Council:

The petition of the undersigned Banks of the Province of Quebec respectfully showeth:—

1. That your petitioners are largely interested in the business enterprises of the Province of Manitoba, and have both directly and indirectly large sums of money due to them there,—which sums of money have been advanced to Merchants and Manufacturers for the purpose of carrying on business in that Province.

2. That your petitioners have heard with much concern and alarm of the passing of an Act whereby large and unusual exemptions from seizure are granted to both the farmers and trading classes of the community in Manitoba.

3. That the measure is retroactive in its character and affects the collection of debts created under the law as it formerly stood; and will operate to prevent recovery of the same in future,—which is manifestly unjust, as it is calculated to impair the validity of existing contracts.

4. That the operation of this Act will not affect the inhabitants of the Province of Manitoba merely, but will operate as a serious detriment to the interests of your petitioners residing in the Province of Quebec.

Wherefore your petitioners ask for redress for the great injustice which has been inflicted upon them, without any opportunity of remonstrating or petitioning against the same in Manitoba itself,—and pray that the Act may be disallowed in so far as its retroactive character is concerned, so that the obligation of debtors in Manitoba and the power of collecting such debts as were contracted anterior to the passing of the Act may remain in force as before in that Province.

And your petitioners will, as in duty bound, ever pray, &c.

(Signed) For Bank of Montreal,
W. J. BUCHANAN, *General Manager.*

" For the Merchants Bank of Canada,
C. MAGEE, *General Manager.*

" For the Molson's Bank,
T. WOLFESTAN THOMAS, *General Manager.*

" For the Quebec Bank,
J. STEVENSON, *Cashier.*

" For the Union Bank of Canada,
P. MACEWEN, *Cashier.*

" For La Banque Nationale,
F. LAFRANCE, *Cashier.*

Mr. W. H. Rowley to Secretary of State.

MERCHANTS BANK OF CANADA, OTTAWA, 20th June, 1885.

SIR,—I have the honor to enclose herewith a petition signed by Banks of the Lower Provinces praying for the disallowance of the "Manitoba Exemption Act," and to request that the petition be submitted to His Excellency the Governor General in Council.

I have, &c.,

(Signed) W. H. ROWLEY,
Manager.

The Hon. the Secretary of State,
Ottawa.

Petition of Banks and Merchants of the Maritime Provinces.

To His Excellency the Governor in Council:

The petition of the undersigned Banks and Merchants of the Lower Provinces respectfully showeth:—

1. That your petitioners are largely interested in the business enterprises of the Province of Manitoba and have both directly and indirectly large sums of money due to them there,—which sums of money have been advanced to Merchants and Manufacturers for the purpose of carrying on business in that Province.

2. That your petitioners have heard with much alarm and concern of the passing of an Act whereby large and unusual exemptions from seizure are granted to both the farmers and trading classes of the community of Manitoba.

3. That the measure is retroactive in its character and affects the collection of debts under the law as it formerly stood, and will operate to prevent recovery of same in future,—which is manifestly unjust, as it is calculated to impair the validity of existing contracts.

4. That the operation of this Act will not affect the inhabitants of the Province of Manitoba merely, but will operate as a serious detriment to the interests of your petitioners.

Therefore your petitioners ask for redress for the great injustice which has been inflicted upon them, without any opportunity of remonstrating or petitioning against the same in Manitoba itself, and pray that the Act may be disallowed in so far as its retroactive character is concerned, so that the obligation of debtors in Manitoba and the power of collecting such debts as were contracted anterior to the passing of the Act may remain in force as before in that Province.

And your petitioners will, as in duty bound, ever pray, &c.

(Signed) J. S. MacLEAN, *President, Bank of Nova Scotia.*
" L. J. MORTON, *Vice-President, Halifax Banking Co.*
" T. E. KENNY, *President, Merchants Bank of Halifax.*
" W. J. STAIRS, *President, Union Bank of Halifax.*
" PETER JACK *Cashier, People's Bank of Halifax.*

Petition of the Hamilton (Ont.) Board of Trade.

To the Honorable, the Senate of the Dominion of Canada, in Parliament assembled.

The Petition of the Hamilton Board of Trade, humbly showeth:—

That at a special meeting held on the 2nd June, 1885, the following resolution was submitted and adopted, viz:—

That this Board, representing the trade of Hamilton, whose merchants were the first to recognise the importance of commercial relations with Manitoba and the North-West, protests against the passage in Manitoba of an Act granting extraordinary and unusual exemptions from seizure under execution, and moves that the Government of the Dominion be petitioned to disallow this Act, which, if carried into force, cannot fail to be most prejudicial to the general interests of Canada, and seriously interfere with the trade relations between Manitoba and the other Provinces of the Dominion.

We have the honor to be your obedient servants,

(Signed) T. H. MACPHERSON, *President.*
" RICHARD BENNER, *Secretary.*

Memorial of Residents and Rate payers of Province of Manitoba.

To His Excellency the Governor General of Canada, &c., &c., in Council assembled:

We, the undersigned residents and ratepayers of the Province of Manitoba, hereby petition Your Excellency as follows:—

1. That it is desirable in the best interest of the inhabitants of this Province that the clauses in "The Act respecting the Administration of Justice" passed at the last Session by the Legislative Assembly of the Province of Manitoba, which increased the number and value of exemptions from seizure and sale under writs of execution issued out of any court in this Province in respect to real and personal property, be disallowed by Your Excellency in Council.

2. We submit that the law relating to exemptions, above referred to, is contrary to public policy, and is a gross act of injustice to creditors, inasmuch as it debars and precludes creditors from realizing out of their debtors' debts, past and accruing due prior to the referred to enactments, as well as debts to be incurred in the future (such law being retroactive). Creditors may be able to protect themselves by refusing credit in the future, but had no means of anticipating when giving credit up to the time of the said enactment, that they would be prevented from enforcing payment for lands and goods sold and money lent to the extent and in the referred to.

3. Your petitioners further submit that the law relating to exemption prior to the passing of referred to Act of last Session, was ample for the protection of debtors, and should not have been increased.

And your petitioners as in duty bound will every pray.

(Signed) ALEXANDER KELLY & CO.,
Millers, and 35 *others.*

Petition of Toronto (Ont.) *Board of Trade.*

To His Excellency the Right Honorable the Marquis of Lansdowne, Governor General of Canada, in Council.

The Petition of the Board of Trade of the city of Toronto, humbly showeth:

That at its recent Session, the Legislature of the Province of Manitoba, passed an Act intitled: "An Act respecting the Administration of Justice," which contains in the sub-sections of section 117 such an enlargement of exemptions from seizure under writs of execution, and coupled with such conditions as to be highly objectionable for the following among other reasons:—

1st. Its provisions being brought into immediate operation it constitutes an unjust and unwarrantable interference with existing contracts and the rights of parties.

2nd. It must seriously embarrass commercial transactions of every kind as well within that Province as interprovincially, and cause great loss and hardship to the merchants, manufacturers, banks and monetary institutions of Ontario and other parts of the Dominion doing business in Manitoba, who have made large investments and come under serious financial obligations relying on a continuance of the laws heretofore in existence, but whose rights and remedies will be, in many instances, by the said Act ruthlessly swept away.

3rd. The said Act, or at least a portion of it herein referred to, has been passed, as your petitioners have been informed and verily believe, without that full disclosure of its intent and purport which its importance demanded, and without an opportunity being afforded for the consideration thereof by the parties likely to be affected thereby, and which would undoubtedly have resulted in the measure being modified and changed so as to be in harmony with that justice and regard for the rights of parties which should ever characterise legislation.

Wherefore for these and other reasons, which might be adduced, your petitioners submit that herein cause is shown for the exercise of the power of disallowance vested in the Governor in Council, and your petitioners therefore pray that the said Act of the Legislature of the Province of Manitoba may be disallowed.

And your petitioners, as in duty bound, will ever pray.

(Signed) HENRY W. DARLING,
President.

EDGAR A. MILLS,
Secretary.

Hon. Mr. Norquay to Minister of Justice.

TREASURY DEPARTMENT, WINNIPEG, MAN., 28th July, 1885.

MY DEAR SIR ALEXANDER,—In reply to yours of the 9th July, informing me that you had been waited upon by a deputation partly from Winnipeg and partly from Hamilton, Toronto and Montreal, declaiming against the exemption provisions in our Administration of Justice Act, I beg to enclose you the opinion of the Deputy Attorney General in reference to the consequences that would result from a disallowance of the said Act.

I may add that it is doubtful whether the judges will hold that the Act is retroactive in effect, and I think I may safely say that if it should be declared so the same can be modified at the next Session of the Legislature. The gratuitous insinuations made by these gentlemen might better, in my opinion, have been omitted, for if anything would justify such action on behalf of the community it is the rapacity of these same creditors, who, not satisfied with a lien upon the articles they dispose of, insist upon executions upon all the unfortunate debtors' chattels and real estate to satisfy their judgments, rendering it impossible for any man who has been unfortunate in business to remain in the country, and compelling him to seek immunity from persecution by leaving the country.

I remain faithfully yours,

(Signed) J. NORQUAY,
Premier and Provincial Treasurer.

Sir ALEX. CAMPBELL,
Minister of Justice,
Ottawa.

Deputy Attorney General to Hon. Mr. Norquay.

DEPUTY ATTORNEY GENERAL, WINNIPEG, MAN., 14th July, 1885.

SIR,—I have the honor to acknowledge receipt of your letter of the 13th instant, and in reply I beg to say that as all the arguments for and against the Act are well known to you, I can only add that, if the Act were disallowed, at the present juncture, it would be a matter of very serious inconvenience in the courts; because many little changes and amendments have been effected by the Act, as well as a great many important provisions introduced which had been omitted in the former consolidation or had not been previously enacted. I might, for instance, mention the improvement in the definition of the powers of the Court of Queen's Bench, and provisions relating to *capias*. The profession have no doubt acted, in many cases, under the new provisions of the Act, and return to the old system would cause trouble and inconvenience in almost every case, whilst, in some, it might happen that a remedy might be entirely lost. It is almost impossible to say what complications might arise, each case would develop its own, and the operation of the machinery of justice being thus constantly interrupted would prove a very serious inconvenience. The revival of the laws repealed by the Administration of Justice Act of last Session would in many cases thus lead to confusion, and, perhaps, prove a greater evil in the end than allowing the Act to remain in force until another Session, when it might be modified in such a manner as to remove the objections now taken to it. From what I hear on the street I should say that the people would be satisfied, as a rule, to have the Act to remain in force as it is; but those who have suits pending, or judgments unsatisfied are naturally discontented. It appears to me that an amendment to the effect that the exemptions should not effect executions in suits pending at the time the Act came into force, or judgments then standing unsatisfied, would be but fair and would give general satisfaction.

Yours obediently,

L. W. COUTLEE,

Deputy Attorney General.

The Hon. JOHN NORQUAY,
Winnipeg.

Secretary Winnipeg Board of Trade to the Minister of Justice.

BOARD OF TRADE, WINNIPEG, MAN, 26th November, 1885.

SIR,—I am instructed by the Winnipeg Board of Trade, to call attention to a petition presented in July last to Sir Alexander Campbell while he was at the head of your Department, which asked for the disallowance of an exemption law passed during the last Session of the Manitoba Legislature, and to which were attached over 3,300 signatures of residents of this Province, representing men in every line of life and of every shade of politics.

As there has been no order of disallowance passed, and as there are difficulties in the way of disallowing said Act, we have made careful inquiry, and find, that there is very little if any hope of any modification of it by our Local Legislature. In fact members of our Local Government have, on the platform, boasted of the passing of such Act as a commendable piece of legislation.

As we represented to Sir Alexander Campbell and admitted by him at the time of presentation of the petition above referred to, the Act complained of known as "The Administration of Justice Act," besides providing for sweeping exemptions of property from seizure or execution, contains retroactive clauses, which are equal to confiscation of the bulk of all the debts due in the Province at the time of its passing. If, therefore, it is allowed to remain on the Statute book in its present form, it must prove little short of a calamity to this country, and an effectual check upon the healthy recovery in our trade affairs, which set in with the close of the late rebellion.

I have learned from Chief Justice Wallbridge that he has been in communication with your Department on this subject, and has given his opinion, that if the retroactive provisions of the Act were removed, and its exemptions limited to the farmer's 160 acres of land, the machinery and implements necessary to cultivate the same, and ordinary chattels of a household, dissatisfaction with the Act would cease in this Province.

Our Board, while not pledging themselves to the opinions of the Chief Justice, would be very well satisfied with the very sensible amendments he suggests, and shall feel grateful to yourself and the Dominion Government if by any means they can secure for them such amendments to the objectionable Act.

I have, &c.,

(Signed) JAMES E. STEEN,

Secretary.

The Hon. the Minister of Justice,
Ottawa.

P. S.—I enclose copy of the petition presented.

Hon. Attorney General Hamilton to the Hon. Minister of Justice.

DEPARTMENT OF ATTORNEY GENERAL, WINNIPEG MAN., 27th November, 1885.

SIR,—During the last Session of the Legislature of this Province, we passed a law under the title of "The Administration of Justice Act," which among other things dealt with the question of exemption. The feeling in the House that a law should be made similar to that in the Western States, was very strong. It was urged that it would affect the policy of immigration into this country, if we did not give as liberal inducements as those of our neighbors. This view prevailed and by section 117 of the Act I refer to, the exemptions were brought into force. There was a very strong feeling among the Boards of Trade here and in Ontario and Quebec against the law, the principal objection urged being its retroactive effect. An effort was made to have the Act disallowed at Ottawa. This in my opinion would be most unfortunate, as it would create a great deal of irritation in the Province, and be considered an arbitrary act on the part of the Federal Government. I had an interview in Ottawa with your predecessor Sir Alex Campbell, on this matter, and suggested that it would be better to let the Act stand and introduce a Bill at the next meeting of the Legisture, declaring the Act not to be retroactive.

The question has since risen in my mind whether it could be construed to have such an effect. I take it that the remedy afforded either party for the enforcement of the obligation of the contract made, entered into and formed a part of the contract to such an extent that it could not be destroyed or materially affected by subsequent legislation without impairing the obligation itself, and that no Statute could be upheld which would go to this length. There was a case, an American one, Swift *vs* Fletcher, 6 Minn. Rep. 560, and another case, Skalack *vs.* Harmon, 6 Minn. 25?, in which a Statute undertook to compel a mortgagee to elect whether to proceed against the debtor or seek satisfaction from the security, and in case of his choosing the former, releasing the latter. This Statute was held void for the reason that it deprived the creditor of the remedy given by the law at the date of the contract.

When this Act of our Legislature came into force on the 1st July, could it be said that contracts entered into prior to that date, for which certain remedies existed, namely, the right to follow certain properties of the debtor by execution, could be impaired by the Statute. The ideas of the validity of contract and the remedy are inseparable, and both are parts of the obligation.

The American law on this subject seems to be:—

"To render an interference with the remedy of such a character as to amount to an impairment of the obligation, it is not essential that there should be an utter destruction of the same.

"If the law so changes the remedy that it does not leave a party any substantial means of enforcing the contract, according to the courts of justice as it existed at the time the contract was made, it is a law impairing the obligation."

Any law of this nature there would be held to be unconstitutional.

I may say concerning the present law that I have made very careful inquiry throughout the country to find if any prejudicial effect on the right of creditors has been caused by its enactment; and I have found none. On the contrary, obligations have been met this present year with greater promptness than in the year preceding. The Act is generally commended by the whole farming community. I think your own experience will bear me out, that where a party does not intend to meet his obligations, he can easily find some method of placing his property beyond the control of his creditors; and that credit must rest mainly upon the personal honor of the man who obtains it. If the present Act curtails the credit system, I do not think the country will suffer any loss through it; but even in this direction I fail to find a single case where the extent of the exemptions has prevented any man from obtaining reasonable credit. By giving some measure of protection, farmers are enabled better to meet their obligations than formerly.

I send you a copy of the Act, and you might discuss the matter with Sir Alexander Campbell. If you consider that the Act has a retroactive effect, and would affect remedies arising under contracts entered into prior to the time the Act came into force, and further consider that it would be wise to get rid of the retroactive effect, I will introduce a Bill for that purpose at the coming Session. I am, however, inclined to the opinion that the Act has not the effect ascribed to it. No case so far has been brought into our courts.

I have, &c.,

(Signed) C. E. HAMILTON,

Attorney General.

The Hon. the Minister of Justice,
Ottawa.

The Hon. the Minister of Justice to Hon. Attorney General Hamilton.

DEPARTMENT OF JUSTICE, OTTAWA, 2nd December, 1885.

SIR,—I am in receipt of your letter of the 27th ult'mo, referring to an Act passed at the last Session of the Manitoba Legislature, under the title of chapter 17: "An Act respecting the Administration of Justice."

In stating the position that a statute could not operate to impair existing obligations, and that one having such an operation would be deemed void, I think you have not given due weight to the distinction which exists in that respect between the constitutions of the United States and that of Canada.

The cases which you refer to, and many others in the same direction, depend upon the provision of the constitution of the United States, which restricts State Legislatures from passing Acts having tendency to impair contractual of obligations. Such statutes are void in the United States only in consequence of that provision, which does not form part of our constitution.

In my opinion the exemptions created by the Act in question would prevail against any process issued after its coming into force, but whether I am right in that view or not, and without committing myself to any course in regard to the application for disallowance, I would like to express strongly the hope that the inti-

mation which you gave to my predecessor would be carried out and the exemptions made inapplicable to debts incurred prior to the passage of the Act in question.

I have, &c.,

(Signed) JNO. S. D. THOMPSON.

Minister of Justice,

The Hon. the Attorney General,
Winnipeg, Man.

Mr. W. J. Patterson to Hon. the Secretary of State.

OFFICE BOARD OF TRADE, MONTREAL, 10th December, 1885.

SIR,—I have the honor to inform you that under date 4th June, 1885, a petition was forwarded to His Excellency the Governor General, relative to certain extraordinary provisions contained in a Pre-exemption Law enacted by the Legislature of the Province of Manitoba, the measure being retroactive in its character, and, as the petitioners believed, *ultra vires*. The prayer of the petition was for a veto upon so much of the Act as might be considered unconstitutional by the Dominion Government.

I am now most respectfully to solicit that you inform the Council of this Board, as to any action that may have been taken respecting the aforesaid petition.

I have, &c,

(Signed) WM. J. PATTERSON.

Secretary.

The Hon. the Secretary of State,
Ottawa.

Under Secretary of State to Mr. Wm J. Patterson.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 21st December, 1885.

SIR,—I have the honour to acknowledge the receipt of your letter of the 10th instant, asking to be acquainted, for the information of the Council of the Board of Trade of Montreal, as to any action that may have been taken respecting a petition forwarded by that body to His Excellency the Governor General, relative to the Pre-exemption Law enacted by the Legislature of the Province of Manitoba, and to state that the matter is still under the consideration of the Government.

I have, &c.,

(Signed) G. POWELL,

Under Secretary of State.

W. J. PATTERSON, Esq., Secretary Board of Trade,
Montreal, P. Q.

General Report of the Hon the Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 10th January, 1887.

To His Excellency the Governor General in Council:

The undersigned has the honor to submit his report upon the Statutes passed by the Legislature of the Province of Manitoba in the Session held in the year 1885.

1. Chapter 15 is an Act respecting the Court of Queen's Bench.

By the 9th section the court is given jurisdiction among other things to decree the issues of letters patent from the Crown to rightful claimants.

This provision would be wholly unobjectionable if limited to the Crown in the right of the Province of Manitoba, and perhaps that is the fair interpretation of it. It would appear to be in excess of the powers of the Legislature of Manitoba if intended to give the court authority to decree the issue of Letters Patent from the Crown in the right of the Dominion.

By the 10th section the court is given jurisdiction in certain cases to decree alimony, and it might, the undersigned thinks, be contended that this was a matter incident to marriage and divorce, which is exclusively within the legislative authority of the Parliament of Canada.

By section 14, the precedence and rank of the Chief Justice and the other judges of the court are prescribed, and by the 16th section the judges of the court are authorized to exercise jurisdiction in the Territories under authority of Your Excellency, or of any Act of the Parliament of Canada.

All the provisions to which attention has been called are contained in previous Statutes of Manitoba, and having directed attention to them the undersigned recommends that the Act be left to its operation.

2. Chapter 17 is an Act respecting the Administration of Justice.

By the 117th section of this Act provision is made to exempt certain real and personal estate from seizure under writs of execution issued out of any court in the Province.

A large number of petitions were received praying for the disallowance of this Act on account of the provisions of this section, it being alleged that the exemptions were so great that the Act was unjust in its operation. It is clear, however, that the Act in this respect is within the legislative authority of the Legislature of Manitoba, and as that Legislature at its last Session amended the section in question so that its provisions would not be retroactive, the undersigned is of opinion that the Act, so far as this section is concerned, should be left to its operation.

Sections 166, 177, 184, 192, 194, 196 and 197 contain provisions respecting juries both in civil and criminal proceedings.

It has hitherto been the policy of the Parliament of Canada in its legislation respecting the criminal law to adopt the legislation in each province respecting juries so far as the same is consistent with the special legislation of the Parliament of Canada on that subject, and in view of this the undersigned does not think it necessary to examine too closely into the provisions of the section referred to.

If and so far as they are inconsistent with the special legislation of the Parliament of Canada, they will have no force, and so far as they are consistent thereunto they are recognized by the legislation of Canada.

The undersigned therefore recommends that Chapter 17, intituled: "An Act respecting the Administration of Justice," be left to its operation.

3. Chapter 18, intituled: "An Act to amend Chapter 37 of the Consolidated Statutes of Manitoba," relates to certain exemptions from execution in proceedings in equity, and stands in a position similar to that of section 117 of the Act last referred to.

The undersigned recommends that this Act be left to its operation.

(4) Chapter 20 purports to be "An Act respecting Promissory Notes and Bills of Exchange," but it is really an Act respecting evidence, and on that ground the undersigned recommends that it be left to its operation. It is, however, unfortunate that it should be entitled "An Act respecting Promissory Notes and Bills of Exchange," in view of the fact that this a subject within the exclusive legislative authority of the Parliament of Canada.

(5.) Chapter 26, "An Act to consolidate and amend the Acts relating to Town Corporations."

In recommending that this Act be left to its operation, the undersigned desires to observe that as in similar cases to which attention has frequently been called, the

Legislature in defining the powers of corporations has included some which are at least of doubtful authority.

(6.) Chapter 28, "An Act respecting real property in the Province of Manitoba."

Section 146 makes provision for the punishment of certain offences against the Act, which in some respects appears to trench upon the criminal law.

(7.) Chapter 41, "An Act to amend Chapter 53, Consolidated Statutes of Manitoba, and Chapter 15 of 46 and 47 Victoria, of Statutes of Manitoba."

By the 2nd section it is provided that the Superintendent of the Manitoba asylum for the insane shall not be compelled in certain cases to obey the subpœna in any case, civil or criminal. So far as this affects procedure in criminal cases it is *ultra vires* of the Legislature of Manitoba.

Section 5 also appears in some respects to trench somewhat upon the criminal law.

(8.) The undersigned has submitted separate reports in respect of Chapter 2, intituled: "An Act respecting the Lieutenant Governor and his Deputies;" and Chapter 45, intituled: "An Act to incorporate the Rock Lake, Souris Valley and Brandon Railway Company."

(9.) The undersigned having carefully considered the other Acts passed by the Legislature of the Province of Manitoba in the Session held in the year 1885, the titles of which are given in the annexed Schedule, recommends that they be left to their operation.

The undersigned further recommends that the substance of this Report, if approved, be communicated to the Lieutenant Governor of Manitoba for the information of his advisers.

All of which is respectfully submitted.

(Signed) JOHN S. D. THOMPSON,

Minister of Justice.

SCHEDULE *referred to in Report of Minister of Justice of 10th January*, 1887.

SCHEDULE.

Chap. 1. An Act for granting to Her Majesty certain sums of money for defraying certain expenses of the Civil Government of the Province, for the half year ending June thirtieth, one thousand eight hundred and eighty-five, and for the year ending June thirtieth, one thousand eight hundred and eighty-six, and for other purposes connected with the public service.

Chap. 3. An Act to amend Chapter 27 of the Consolidated Statutes of Manitoba and amendments thereto.

Chap. 4. An Act respecting the Department of the Secretary of this Province.

Chap. 5. An Act respecting the Department of the Attorney General.

Chap. 6. An Act to consolidate and amend the Acts relating to the Department of Public Works and to Public Works.

Chap. 7. An Act respecting the Library of the Legislature of Manitoba.

Chap. 8. An Act respecting the Civil Service of Manitoba.

Chap. 9. An Act to amend Chapter 43 of the Statutes of Manitoba, 47 Victoria A. D. 1884.

Chap. 10. An Act to amend the Acts relating to the Department of Agriculture, Statistics and Health.

Chap. 11. An Act respecting Communicable Diseases of Animals.

Chap. 12. An Act respecting the Manufacture of Butter and Cheese.

Chap. 13. An Act to amend "The Charity Aid Act, 1883."

Chap. 14. An Act to legalize and confirm the acts of the Hon. D. H. Wilson, done by him as Attorney General.

Chap. 16. An Act respecting Courts of Assize and *Nisi Prius*, and Oyer and Terminer, and General Gaol Delivery.

Chap. 19 An Act to declare the true construction of the Act passed in the thirteenth year of Queen Elizabeth's reign, intituled: "An Act against Fradulent Deeds, Alienations, &c."

Chap. 21. An Act respecting Summary Application for advice by Trustees, Executors, and Administrators.

Chap. 22. An Act to amend "The County Courts Act."

Chap. 23. An Act respecting Municipal Law.

Chap. 24. An Act to further amend "The Manitoba Municipal Act, 1884."

Chap. 25. An Act to amend "The Manitoba Municipal Act, 1884," and the Act amending the same.

Chap. 27. An Act to amend "The Manitoba School Act," and Acts amending the same.

Chap. 29. An Act respecting Short Forms of Indentures.

Chap. 30. An Act relating to the Titles of Half-breed Lands.

Chap. 31. An Act to amend Chapter 60 of the Consolidated Statutes of Manitoba.

Chap. 32. An Act to amend Chapter 27 of 47 Victoria, intituled: "An Act respecting Distress for Rent and interest upon Mortgages.

Chap. 33. An Act to amend the Act to secure the payment of builders and workmen, and to amend and revise the Acts relating to the payment of wages.

Chap. 34. An Act to provide for the payment of Half-breeds of amounts to which they are entitled, and which are invested in securities which cannot be realized.

Chap. 35. An Act to amend Chapter 49 of the Consolidated Statutes of Manitoba, being "The Chattel Mortgage Act."

Chap. 36. An Act to repeal Chapters 30 and 31, 47th Victoria.

Chap. 37. An Act to amend Chapter 17 of the Consolidated Statutes of Manitoba, being the "Partnership Act."

Chap. 38. An Act to amend an Act intituled: "An Act to amend and correct certain Acts and parts of Acts therein mentioned."

Chap. 39. An Act to amend Chapter 1, 45th Victoria.

Chap. 40. An Act to amend the Statutes of Manitoba, 45th Victoria, chapter twenty-seven, Railway Aid Act.

Chap. 43. An Act to legalize By-law No. 7 of the Eastern Judicial District Board, and to declare valid the debentures issued thereunder.

Chap. 44 An Act to further amend 45th Victoria, Chapter 35, intituled: "An Act to incorporate the City of Brandon."

Chap. 46. An Act to amend Chapter 47 of the Local and Private Acts of the Province of Manitoba, being Winnipeg Incorporation Act of 1884.

Chap. 47. An Act to incorporate the religious Ladies under the name of "Faithful Companions of Jesus."

Chap. 48. An Act to legalize certain By-laws of the Town of Neepawa and Municipalities of Osprey and Rosedale, authorizing the issue of Debentures.

Chap. 49. An Act to amend 46th and 47th Victoria, Chapter 80, and 47th Victoria, Chapter 77, and to enable the Corporation of the City of Emerson to sell lands which are in arrears of taxes.

Chap. 50. An Act to authorize and empower James J. Bedford to practice as a Physician and Surgeon in the Province of Manitoba.

Chap. 51. An Act to amend 45rd Victoria, Chapter 37, intituled: "An Act to incorporate the North-West Fire Insurance Company."

Chap. 52. An Act respecting the Corporation of the Town of St. Boniface and the Municipality of St. Boniface.

Chap. 53. An Act to authorize the Scottish Manitoba and North-West Real Estate Company to transact business in the Province of Manitoba.

Chap. 54. An Act to legalize and confirm certain by-laws herein mentioned.

Chap. 55. An Act to aid in the construction of the Winnipeg and Hudson Bay Railway and Steamship Company.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 13th January,* 1887.

The Committee of the Privy Council have had before them a Report, dated 10th January, 1887, from the Minister of Justice, upon the Statutes passed by the Legislature of the Province of Manitoba in the Session held in the year 1885.

The Committee, on the recommendation of the Minister of Justice, advise that the power of disallowance be not exercised with respect to any of the Acts mentioned in the said Report and Schedule thereto attached being Chapters 1 to 55 inclusive, except Chapters 2 and 45, which have been reserved for separate Report.

The Committee further advise the substance of the said Report, if approved, be communicated to the Lieutenant Governor of Manitoba, for the information of his advisors.

All which is respectfully submitted for Your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk Privy Council.

Report of the Hon. the Minister of Justice upon Chapter 45.

DEPARTMENT OF JUSTICE, OTTAWA, 10th January, 1887.

To His Excellency the Governor General in Council:

The undersigned has the honor to report that by Chapter 45 of the Acts passed by the Legislature of the Province of Manitoba in the year 1885, provision was made for the incorporation of the Rock Lake, Souris Valley, and Brandon Railway Company.

By the 2nd Section the company are authorized to construct and operate a railway and an electric telegraph from a point on the international boundary, within ranges 9 and 12, west of the first principal meridian, in the Province of Manitoba, and running thence north-westerly to a point in or near the City of Brandon.

The contract dated 21st October, 1880, made between the Government of Canada and the Canadian Pacific Railway Company, contains the following clause:—

"15. For twenty years from the date hereof, no line of railway shall be authorized by the Dominion Parliament to be constructed south of the Canadian Pacific Railway, from any point at or near the Canadian Pacific Railway, except such line as shall run south-west or to the westward of south-west, nor to within fifteen miles of latitude 49, and in the establishment of any new province in the North-West Territories provision shall be made for continuing such prohibition after such establishment until the expiration of the said period.

By an Act of Parliament, 44 Victoria, Chapter 14, intituled: "An Act to provide for the Extension of the Boundaries of the Province of Manitoba," and by an Act of the Legislature of Manitoba, 14 Victoria, Chapter 11, intituled: "An Act for the Extension of the Boundaries of the Province of Manitoba," it is provided as follows:—

'(1.) The said * * * * and territory thereby added to the Province of Manitoba shall be subject to all such provisisions as may have been or shall hereafter be enacted respecting the Canadian Pacific Railway and the lands to be granted in aid thereof."

In 1882 the Acts of the Legislature of the Province of Manitoba passed in the years 1881, 1882, which are mentioned in the annexed schedule were disallowed as

being in conflict with the policy of the Government confirmed by Parliament to prevent as far as possible the diversion of the trade of the North-West Territories from the railway system of Canada to the railway system of the United States.

With respect to the General Railway Act of Manitoba, 45 Victoria, Chapter 30, it was also pointed out that in order that the Act should conform to the Legislation of Parliament in regard to the Canadian Pacific Railway provision should have been made, that no company hereby incorporated should be authorized to construct a line of railway south of the Canadian Pacific Railway, from any point at or near that railway, unless the line runs south-west or to the westward of south-west, and terminated at a point distant at least fifteen miles from the 49th parallel of latitude.

In 1883 the Legislature of Manitoba again passed a general Act to encourage the building of Railways in that Province, 46 and 47 Victoria, Chapter 49, in which provision was made for the incorporation of Railway Companies by the Lieutenant-Governor in Council. To meet the objection taken to the corresponding Act of 1882, it was, however, provided that, in the added territory, no line of railway should be authorized to be constructed south of the Canadian Pacific Railway, from any point at or near the Canadian Pacific Railway, except such line as should run south-west or to the westward of south-west and not be within fifteen miles of latitude 490°.

Notwithstanding that this Act was left to the operation and the fact that except in the added territory, the Lieutenant Governor of Manitoba in Council could, by Letters Patent, incorporate a Railway Company to construct a railway anywhere within the Province, the Acts of the Legislature of that Province, Chapters 68 and 70, respectively, and intituled : "An Act to incorporate the Emerson and North-Western Railway Company," And an Act to amend an Act to incorporate the Manitoba Central Railway Company and amending Acts," were on the 22nd day of March, 1886, disallowed for the same reasons that the Railway Acts previously mentioned were disallowed.

The Act now under consideration (48th Victoria, Chapter 45) is, the undersigned thinks, within the competency of the Legislature of Manitoba, but in view of the facts stated he thinks it desirable that a Report should be obtained from the Minister of Railways and Canals upon the question as to whether or not the Act should he disallowed on grounds affecting the General Policy of the Government.

All of which is respectfully submitted.

(Signed) JNO. S. D. THOMPSON,
Minister of Justice.

SCHEDULE.

44 Victoria (1881).

Chap. 37. An Act to incorporate the Winnipeg South Eastern Railway Company.
Chap. 38. An Act to incorporate the Manitoba Tramway Company.
Chap. 39. An Act to incorporate the Emerson and North-Western Railway Company.

45th Vic. (1882.)

Chap. 30. An Act to encourage the building of Railways in Manitoba.

Proclamation Disallowing Chapter 45.

GOVERNMENT HOUSE, OTTAWA, Tuesday, 22nd March, 1887.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas the Lieutenant Governor of the Province of Manitoba with the Legislative Assembly of that Province, did, on the 2nd day of May, 1885, pass an Act which has been transmitted, chaptered 45, and intituled: "An Act to incorporate the Rock Lake, Souris Valley and Brandon Railway Company;"

And whereas the said Act has been laid before His Excellency the Governor General in Council, together with a Report from the Minister of Justice recommending that the said Act be disallowed:

His Excellency the Governor General has, thereupon, this day, been pleased, by and with the advice of the Queen's Privy Council for Canada, to declare, His disallowance of the said Act, and the same is disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Manitoba and all other persons whom it may concern are to take notice, and govern themselves accordingly.

JOHN J. McGEE,
Clerk, Privy Council.

I, Sir Henry Charles Keith Petty-Fitzmaurice, Marquis of Lansdowne, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of Manitoba, on the 2nd day of May, 1885, intituled: "An Act to incorporate the Rock Lake, Souris Valley and Brandon Railway Company," was received by me on the 22nd March, 1886.

Given under my hand and seal this 22nd day of March, A.D. 1887.

(Signed) LANSDOWNE.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, WINNIPEG, MANITOBA, 4th April, 1887.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 31st March, with enclosures, acquainting me, for the information of my Government, of the disallowance, by His Excellency the Governor General, in Council, of the Act passed by the Legislature of the Province of Manitoba, in the year 1885, Chapter 45, and intituled: "An Act to incorporate the Rock Lake, Souris Valley and Brandon Railway Company."

I have, &c.,

(Signed) J. C. AIKINS,
Lieutenant Governor.

The Hon. J. A. CHAPLEAU, Secretary of State,
Ottawa, Ont.

Report of the Hon. the Minister of Justice upon Chapter 2.

DEPARTMENT OF JUSTICE, Ottawa, 10th January, 1887.

To His Excellency the Governor General in Council:

The undersigned has the honor to report that by Chapter 2 of the Acts of the Legislature of the Province of Manitoba, 48 Victoria: (1885), intituled: "An Act respecting the Lieutenant Governor and his Deputies" it is provided:

(1.) That the Lieutenant Governor and his successors in office shall be a corporation sole, and that all bonds recognizances and other proceedings at law required to be taken to him in his public capacity shall be taken to him and his successors by his name of office and may be sued for and recovered by him or his successors in his or their name of office as such, and the same shall not in any case go to or vest in the persons of or representatives of the Lieutenant Governor during whose term of office the same were so taken.

(2.) That the Lieutenant Governor may with the advice and consent of the Executive Council from time to time appoint any person or persons jointly or severally to be his deputy or deputies within any part or parts of the Province, for the purpose of signing or executing marriage licenses, money warrants, letters patent of incorporation, licenses to incorporate companies, societies or associations to carry on business in the Province, and commissions under any Act of the Legislature of the Province of Manitoba.

By the 1st item of the 92nd section of "The British North America Act," it is provided that the Legislature of a Province shall have exclusive legislative authority in relation to the amendment of the constitution of the Province, except as regards the office of Lieutenant Governor.

It may be within the competency of the Legislature to provide that any bond, recognizance or other proceeding required to be taken to the Lieutenant Governor in his public capacity shall be taken to him and his successors by his name of office and that they may be sued for and recovered by him or his successors in his or their name of office as such, and that the same shall not in any case go to or vest in the person or representative of the Lieutenant Governor during whose term of office the same were so taken, but on the other hand the provision which constitutes the Lieutenant Governor and his successors, a corporation sole is one, the undersigned thinks, which relates to the office of Lieutenant Governor.

In the same way, no doubt, the Legislature has large powers without respect to marriage licenses, money warrants, letters patent of incorporation, licenses and commissions which are issued by virtue of some law of the Province, but in the same way the provision which authorizes the Lieutenant Governor to appoint a deputy or deputies for him is one which also relates to the office of Lieutenant Governor.

In these repects the undersigned thinks the Act is not within the Legislative authority of the Legislature of Manitoba and for that reason he recommends that the Act be disallowed.

(Signed) JNO. D. THOMPSON,
Minister of Justice.

CERTIFIED COPY *of a Report of the Hon. the Privy Council approved by His Excellency the Governor General in Council on the 13th January*, 1887.

The Committee of the Privy Council have had under consideration a Report, dated 10th January, 1887, from the Minister of Justice, upon the Act of the Legislature of the Province of Manitoba, passed in the 48th year of Her Majesty's Reign (1885), chaptered 2, and intituled: "An Act respecting the Lieutenant Governor and his Deputies."

The Committee on the recommendation of the Minister of Justice and for the reasons stated in his above mentioned Report advise that the said Act of the Province of Manitoba, 48 Victoria, Chapter 2, be disallowed.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

Proclamation Disallowing Chapter 2.

GOVERNMENT HOUSE, OTTAWA, Thursday, 13th day of January, 1887.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas the Lieutenant Governor of the Province of Manitoba, with the Legislative Assembly of that Province, did, on the 10th day of April, 1885, pass an Act which has been transmitted, Chaptered 2, and intituled: "An Act respecting the Lieutenant Governor and his Deputies;"

And whereas the said Act has been laid before the Governor General in Council, together with a Report from the Minister of Justice recommending that the same should be disallowed;

His Excellency the Governor General in Council, has, thereupon, this day, been pleased to declare his disallowance of the said Act, and the same is disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Manitoba and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

I, Sir Henry Charles Keith Petty-Fitzmaurice, Marquis of Lansdowne, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of Manitoba, on the 10th day of April, 1885, chaptered 2, and intituled: "An Act respecting the Lieutenant Governor and his Deputies," was received by me on the 19th day of January, 1886.

Given under my hand and seal this 13th day of January, 1887.

(Signed) LANSDOWNE.

Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 15th January, 1887.

SIR,—I have the honor to transmit to you herewith, for the information of your Government, a copy of an Order of His Excellency the Governor General in Council signifying the disallowance by His Excellency, of the Act of the Legislature of the Province of Manitoba, passed in the 48th year of Her Majesty's reign (1885), Chaptered 2, and intituled: "An Act respecting the Lieutenant Governor and his deputies," together with His Excellency's certificate as to the date of its receipt appended thereto.

I have, at the same time, to enclose a copy of the Report of the Honorable the Minister of Justice referred to in the Order in Council.

I have, &c.,

(Signed) J. A. CHAPLEAU,
Secretary of State.

His Honor the Lieutenant Governor of Manitoba,
Winnipeg.

Private Secretary, Lieutenant Governor to Honorable the Secretary of State.

GOVERNMENT HOUSE, WINNIPEG, MAN., 21st January, 1887.

SIR,—In the absence of His Honor the Lieutenant Governor, I have the honor to acknowledge the receipt of your despatch of the 15th inst., enclosing a copy of an Order of His Excellency the Governor General in Council, signifying the disallowance by His Excellency of the Act of the Legislature of the Province of Manitoba, passed in the 48th year of Her Majesty's reign (1885), Chaptered 2, and intituled: "An Act respecting the Lieutenant Governor and his Deputies," together with His Excellency's certificate as to the date of its receipt.

I have the honor to acknowledge also a copy of the Report of the Honorable the Minister of Justice referred to in the Order in Council.

I have, &c.,

(Signed) LAWRENCE J. CLARKE,

Private Secretary.

The Honorable the Secretary of State,
Ottawa.

Secretary of State to Lieutenant Governor.

DEPARTMENT OF SECRETARY OF STATE OTTAWA, 26th January, 1887.

SIR,—I have the honor to acquaint you, for the information of your Government, that His Excellency has had under his consideration in Council the Statutes passed by the Legislature of the Province of Manitoba in the Session held in the year 1885, and that he has been pleased to order that the power of disallowance be not exercised with respect to any of the Acts mentioned in the schedules hereto annexed, being Chapters 1 to 55 inclusive, except Chapter 2, intituled: "An Act respecting the Lieutenant Governor and his Deputies," disallowed as indicated in my letter of the 15th inst., and Chapter 45, intituled: "An Act to incorporate the Rock Lake, Souris Valley and Brandon Railway Company," which is reserved for further communication.

In communicating His Excellency's pleasure in this regard, I am to inform you, as follows:—

(1.) Chapter 15 is an Act respecting the Court of Queen's Bench.

By the 9th section the Court is given jurisdiction among other things to decide the issue of Letters Patent from the Crown to rightful claimants.

This provision would be wholly unobjectionable if limited to the Crown in the right of the Province of Manitoba, and, perhaps, that is the fair interpretation of it. It would appear to be in excess of the power of the Legislature of Manitoba if intended to give the Court authority to decide the issue of Letters Patent from the Crown in the right of the Dominion.

By the 10th section the Court is given jurisdiction in certain cases to decree alimony, and it might, it is thought, be contended that this was a matter incident to marriage and divorce, which is exclusively within the legislative authority of the Parliament of Canada.

By section 14 the precedence and rank of the Chief Justice and the other judges of the Court are prescribed, and by the 10th section the judges of the Court are authorized to exercise jurisdiction in the territories under authority of His Excellency the Governor General, or of any Act of the Parliament of Canada.

All the provisions to which your attention has been called are contained in previous Statutes of Manitoba, and your attention having been invited to them this Act in question is left to its operation.

(2.) Chapter 17 is an Act respecting the Administration of Justice.

By the 117th Section of this Act provision is made to exempt certain real and personal estate from seizure, under writs of execution issued out of any Court in the Province.

A large number of petitions were received praying for the disallowance of this Act on account of the provisions of this section, it being alleged that exemptions were so great that the Act was unjust in its operation. It is clear, however, that the Act in this respect is within the legislative authority of the Legislature of Manitoba, and as that Legislature at its last Session amended the Section in question so that its provisions would not be retroactive, His Excellency is advised that the Act so far as this Section is concerned should be left to its operation.

Sections 166, 177, 184, 192, 194, 196 and 197 contain provisions respecting juries, both in civil and criminal proceedings.

It has hitherto been the policy of the Parliament of Canada, in its legislation respecting the Criminal Law, to adopt the legislation in each Province respecting juries, so far as the same is consistent with the special legislation of the Parliament of Canada on that subject, and in view of this it is not considered necessary to examine too closely into the provisions of the sections referred to. If, and so far as they are inconsistent with the special legislation of the Parliament of Canada they will have no force, and so far as they are consistent thereunto they are recognised by the Legislation of Canada.

This Act (Chapter 17) is therefore left to its operation.

(3.) Chapter 18, intituled: "An Act to amend Chapter 37 of the Consolidated Statutes of Manitoba," relates to certain exemptions from execution in proceedings *in equites* and stands in a position similar to that of Section 117 of the Act last referred to, it is accordingly left to its operation.

(4.) Chapter 20 purports to be "An Act respecting Promissory Notes and Bills of Exchange," but it is really an Act respecting evidence, and on that ground it is considered that it be left to its operation. It is, however, unfortunate that it should be intituled: "An Act respecting Promissory Notes and Bills of Exchange," in view of the fact that this is a subject within the exclusive legislative authority of the Parliament of Canada.

(5.) Chapter 26, "An Act to consolidate and amend the Acts relating to town corporations."

In leaving this Act to its operation it is to be observed that as in similar cases to which attention has frequently been called, the Legislature, in depriving the powers of corporations, has included some which are at least of doubtful authority.

(6.) Chapter 28, "An Act respecting real property in the Province of Manitoba."

Section 145 makes provision for the punishment of certain offences against the Act which in some respects appears to trench upon the criminal law.

(7.) Chap. 41, An Act to amend Chapter 58, Consolidated Statutes of Manitoba, and Chapter 15 of 46 and 47 Victoria of Statutes of Manitoba.

By the 2nd Section it is provided that the Superintendent of the Manitoba Asylum for the insane shall not be compelled in certain cases to obey the subpœna in any case, civil or criminal, so far as this affects procedure in criminal cases it is *ultra vires* of the Legislature of Manitoba.

Section 5 also appears in some respects to trench somewhat upon the criminal law.

I have, &c.,

(Signed) A. W. McLELAN,

For the Secretary of State.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, WINNIPEG, MAN., 1st February, 1887.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 26th ultimo, stating that His Excellency has had under his consideration in Council, the Statutes of Manitoba, passed in the Session held in the year 1885, and I have the honor to state that my Government will be advised of His Excellency's commands in the premises.

I have, &c.,

(Signed) J. C. AIKINS,

Lieutenant Governor.

Hon. A. W. McLELAN,
For the Secretary of State,
Ottawa.

Secretary of State to Lieutenant Governor.

DEPARTMENT OF SECRETARY OF STATE, OTTAWA, 31st March, 1887.

SIR,—I have the honor to acquaint you, for the information of your Government, that His Excellency the Governor General has had under his consideration in Council the Act passed by the Legislature of the Province of Manitoba in the year 1885, chaptered 45, and intituled: "An Act to incorporate the Rock Lake, Souris Valley and Brandon Railway Company," that His Excellency is advised that the power of disallowance be exercised with regard to the same.

I enclose an Order of His Excellency the Governor General declaring his disallowance of the said Act, together with the certificate of His Excellency as to the date of the receipt thereof.

I also transmit herewith copies of the Order in Council upon the subject and of the report therein referred to.

I have, &c.,

(Signed) J. A. CHAPLEAU,

Secretary of State.

To His Honor the Lieutenant Governor of Manitoba,
Winnipeg, Man.

MANITOBA----49TH VICTORIA, 1886.

4TH SESSION—5TH LEGISLATURE.

Deputy Minister of Justice to Hon. Mr. Attorney General Hamilton.

(*Telegram.*)

DEPARTMENT OF JUSTICE, OTTAWA,, 27th April, 1886.

Has Administration of Justice Act, 1885, been so amended as to prevent exemption section having retroactive effect? Please answer.

(Signed) GEO. W. BURBIDGE,
Deputy Minister of Justice.

Hon. C. E. HAMILTON,
Attorney General,
Winnipeg, Man.

Hon. Mr. Attorney General Hamilton to Deputy Minister of Justice.

(*Telegram.*)

WINNIPEG, MANITOBA, 27th April, 1886.

Yes, Bill on for second reading to-morrow.

(Signed) C. E. HAMILTON,
Attorney General.

To GEORGE W. BURBIDGE, Q.C.,
Deputy Minister of Justice,
Ottawa.

Deputy Minister of Justice, to Hon. Mr. Attorney General Hamilton.

DEPARTMENT OF JUSTICE, OTTAWA, 23rd June, 1886.

SIR,—With reference to the Bill No. 49, intituled An Act to amend the Administration of Justice Act 1885, which you were kind enough to send, will you kindly let me know if it has passed the third reading and been assented to in the form in which it has been received? Will you please send me a copy of the Bill as finally passed?

I am, &c.,

(Signed) GEO. W. BURBIDGE,
Deputy Minister of Justice.

Hon. C. E. HAMILTON,
Attorney General, Manitoba,
Winnipeg.

Deputy Minister of Justice to Under Secretary of State.

DEPARTMEMT OF JUSTICE, OTTAWA, 30th December, 1886.

SIR,—I have the honor to request that you will cause a despatch to be sent to the Lieutenant Governor of Manitoba requesting him to forward a certified copy of the Acts of the Legislature of Manitoba passed at the last Session thereof.

I am, &c.,

(Signed) GEORGE W. BURBIDGE,

Deputy Minister of Justice.

The Under Secretary of State.

Hon .the Secretary of State to Lieutenant Governor.

DEPARTMENT OF SECRETARY OF STATE, OTTAWA, 3rd January, 1887.

(*Telegram.*)

Please forward certified copy of the Acts of the Legislature passed at last Session.

(Signed) J. A. CHAPLEAU,

Secretary of State.

To His Honor the Lieutenant Governor,
Winnipeg.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, WINNIPEG, MANITOBA, 7th January, 1887.

SIR,—I have the honor to inform you that, in pursuance of the request conveyed in your telegram of the 3rd inst., a certified copy of the Private Acts of the last Session of the Legislature has been forwarded to your address by this day's mail.

The Public Acts have not yet been printed, but will be transmitted as soon as possible.

I have, &c.,

(Signed) J. C. AIKINS,

Lieutenant Governor.

The Hon. the Secretary of State, Ottawa.

Deputy Attorney General to Minister of Justice.

(*Telegram.*)

WINNIPEG, MANITOBA, 21st May, 1887.

It is reported you wish County Court Act amended in certain objectionable clauses. Please wire which they are and changes desired.

(Signed) L. W. COUTLEE,

Deputy Attorney General.

Hon. J. S. D. THOMPSON,
Minister of Justice.

Secretary of State to Lieutenant Governor.

(*Telegram.*)

DEPARTMENT OF SECRETARY OF STATE, OTTAWA, 23rd May, 1887.

The provision of the third section of Chapter fifteen, intituled: "An Act respecting County Court Judges," by which it is enacted that a County Court Judge shall not do certain acts under the penalty of forfeiture of office, is *ultra vires*. The section should be amended by striking the words "under the penalty of forfeiture of office."

(Signed) J. A. CHAPLEAU,
Secretary of State.

To His Honor the Lieutenant Governor of Manitoba,
Winnipeg, Man.

Hon. Attorney General Hamilton to Hon. Minister of Justice.

(*Telegram.*)

WINNIPEG, MAN., 23rd May, 1887.

I am amending section three, Chapter fifteen of last year, by striking out words, forfeiture of office, which seem quite *ultra vires*.

(Signed) C. E. HAMILTON,
Attorney General

To the Hon. the Minister of Justice.

Deputy Minister of Justice to Deputy Attorney General.

(*Telegram.*)

DEPARTMENT OF JUSTICE, OTTAWA, 23rd MAY, 1887.

Secretary of State telegraphs Lieutenant Governor to-day. Will also send full despatch calling attention to other matters.

(Signed) GEO. W. BURBIDGE,
Deputy Minister of Justice.

L. W. COULTEE, Deputy Attorney General, Winnipeg.

Hon. Mr. Attorney General Hamilton to Hon. Minister of Justice.

(*Telegram.*)

WINNIPEG, MAN., 11th JUNE, 1887.

Bill passed expunging clause *re* forfeiture of office of County Court Judges.

(Signed) C. E. HAMILTON,
Attorney General.

To the Hon. the Minister of Justice, Ottawa.

General Report of the Honorable the Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 13th April, 1887.

To His Excellency the Governor General in Council:

The undersigned has the honor to submit his Report on the Acts passed by the Legislature of Manitoba in the Session held in 1886, authentic copies of which were received by the Secretary of State on the 3rd day of February last.

By the 4th and 5th sections of Chapter 5, intituled: "An Act respecting Probate and Administration," provision is made for the administration of the estate of persons dying intestate, without any known heir at law or next of kin. In his Report of the 25th of August, 1885, on an Act of the same Legislature, 47 Victoria, Chaper 26, intituled, "An Act respecting Escheats and Forfeitures and Estates of Intestates," the Minister of Justice pointed out that the case of the Attorney General of Ontario *vs.* Mercer (L R R. 8, App. Cases, 767), was not a decision in favor of Manitoba with respect to real property escheating for want of heirs, and that no decision had been arrived at in respect of personal estate which escheats for want of next of kin. By reference to the Report referred to and the Order in Council passed thereon (Provincial Legislation, pp. 693 and 694) it will also be seen that in disallowing the Act last mentioned, Your Excellency informed the Lieutenant Governor of Manitoba of the readiness of your Government to join with His Honor's Government in submitting the questions at issue to the courts for decision. To this offer, so far as the undersigned is aware, no answer has been made. The undersigned sees no objection to allowing the Provincial authorities to administer such estates, pending a settlement of the legal question involved, if steps are taken to obtain a decision and the interests of Canada are not prejudiced. The provision leaving the disposition of such estates to the Attorney General of the Province should be repealed, and it should be provided that pending the decision of the question as to whether such estates belong to the Crown in the right of the Dominion or of the Province, no final disposition shall be made thereof, without the consent of Your Excellency in Council and of the Lieutenant Governor in Council. If the sections referred to are so amended and the Government of the Province consent to a reference of the question to the Supreme Court for hearing and consideration, the undersigned would advise that the Act be left to its operation, but otherwise that it be disallowed.

The 49th section of Chapter 6, intituled: "An Act respecting the Manitoba Asylum for the Insane and the Confinement of Persons therein," is a re-enactment of 48 Victoria, chapter 41, section 2, to which the undersigned called attention in his Report of 10th January, 1887. From section 49 is omitted the provision that the Superintendent of the Asylum should not be compelled to obey the subpœna of any court in any criminal case; but the exception in the case of a capital offence which is now meaningless is retained.

The provision of the 3rd section of Chapter 15, intituled: "An Act respecting County Court Judges" by which it is enacted that a County Court Judge shall not do certain Acts under the penalty of forfeiture of office" is *ultra vires* The section should be amended by striking out the words quoted.

Section 233 of Chapter 29, intituled: "An Act respecting the Election of Members of the Legislative Assembly," deals with matters the subject of the criminal law. It is unnecessary and should be repealed. See R.S.C., c. 168, s. 55.

By Chapter 41, intituled: "An Act to further amend the Marriage License Law," the Consolidated Statutes, Chapter 8, section 75, is amended as follows, the words *underlined* indicating the amendment: "The Marriage Licenses may be issued from the Office of the Provincial Treasurer under the hand and seal of the Lieutenant Governor, *or his deputy duly licensed in that behalf*, and shall be furnished, &c." The Act authorizing the Lieutenant Governor to appoint deputies having been disallowed, this Act should, the undersigned thinks, be repealed.

Chapter 45 is "An Act respecting Assignments for the Benefit of Creditors." There is, the undersigned thinks, great doubt as to the authority of a Legislature to enact such laws as these, as they are in the nature of Insolvent Acts. Similar Acts have, however, been allowed to go into force in other Provinces, and the undersigned is of opinion that this Act should also be left to its operation.

Chapter 52 is "An Act to consolidate and amend the laws relating to Municipal Corporations." By section 347 and 349 the power of Municipal and Civic Councils to make by-laws are defined. Some of these are open to the objection which has so frequently been made in similar cases.

Sections 366 and 367 deal with criminal law, and are, the undersigned thinks, unnecessary and should be repealed. See R.S.C., c. 157, s. 8; c. 162, s. 34, &c.; c. 174, ss. 28 *et seq.*

Section 734 is open to the same objection. See R.S.C., c. 164, s. 55.

By the 2nd section of Chapter 59, intituled: "An Act to incorporate the Saskatchewan and Western Railway Company," the Company is given power to construct a railway from some point on the Manitoba and North-Western Railway at or near the town of Minnedosa, to be fixed by the Lieutenant Governor in Council, to Rapid City, and thence westerly to the Assiniboine River within the Province of Manitoba. To this there is no objection; but there is added this provision:—"And also to build and operate such branch lines of railway as may from time to time be approved by the Lieutenant Governor in Council." This power to build branch lines should be subject to the provision contained in 46-47 Victoria (Manitoba) Chapter 47, that no such line shall, in the "Added Territory," be constructed south of the Canadian Pacific Railway, from any point at or near such railway, except such line as shall run south-west or to the westward of south-west, and not within fifteen miles of latitude 49° or such other limitation of the power to build branch lines should be enacted as would prevent the Company building in contravention of the provision referred to.

The 2nd section of Chapter 65, intituled: "An Act to incorporate the Shell River Railway Company," is open to the same objection, and should be amended in the same way.

The undersigned recommends:—

1. That the substance of this Report, if approved, be communicated to the Lieutenant Governor of the Province of Manitoba.

2. That Your Excellency defer action respecting Chapters 5, 15, 29, 41, 52, 59 and 65.

3. That the Acts, the titles and chapters of which are given in the annexed schedule, be left to their operation, and that the Lieutenant Governor be informed thereof.

All of which is respectfully submitted.

(Signed) JOHN S. D. THOMPSON,
Minister of Justice.

ACTS OF THE PROVINCE OF MANITOBA, FOURTH SESSION, FIFTH LEGISLATURE, 49 VICTORIA, 1886.

(Excepting Chapters 5, 15, 29, 41, 52, 59 and 65.)

Chap. 1. An Act to fix the time at which the Statutes of this Province shall come into force.

Chap. 2. An Act to amend the "Master and Servant Act."

Chap. 3. An Act to amend the Manitoba Mutual Fire Insurance Companies Act, and the Act amending the same.

Chap. 4. An Act to amend the Law respecting Jurors and Juries.

Chap. 6. An Act respecting the Manitoba Asylum for the Insane, and the confinement of Persons therein.

Chap. 7. An Act to amend Chapter 9 of the Consolidated Statutes, Manitoba, Division 8.

Chap. 8. An Act to amend Chapter 7 of the Consolidated Statutes of Manitoba.

Chap. 9. An Act to further amend Chapter 7 of the Consolidated Statutes of Manitoba.

Chap. 10. An Act respecting Coroners' Inquests.

Chap. 11. An Act to amend the Manitoba Joint Stock Companies Incorporation Act.

Chap. 12. An Act to amend Chapter 17 of the Consolidated Statutes of Manitoba and amending Acts.

Chap. 13. An Act respecting Trustees and Executors and Administration of Estates.

Chap. 14. An Act respecting the Court of Queen's Bench.

Chap. 16. An Act respecting Interpleader.

Chap. 17. An Act to further amend Chapter 35 of the Statutes of 47 Victoria, respecting cemeteries.

Chap. 18. An Act respecting the property of Agricultural Societies.

Chap. 19. An Act to incorporate the Manitoba Dairy Association.

Chap. 20. An Act to amend an Act intituled: "An Act respecting Grist Mills and Millers."

Chap. 21. An Act respecting the sale of Intoxicating Liquors and the issue of Licenses therefor.

Chap. 22. An Act to amend "The Land Registration Act of Manitoba" and Acts amending the same.

Chap. 23. An Act respecting Affidavits, Affirmations and Declarations.

Chap. 24. An Act to amend Chapter 5, 44 Victoria, intituled: "An Act to make provision for the handing over to the Municipalities in the Province the Roads and Road Allowances in the said Municipalities respectively.

Chap. 25. An Act to provide for the granting of aid to the Winnipeg and Hudson's Bay Railway and Steam Navigation Company.

Chap. 26. An Act to amend certain Acts therein mentioned, and for other purposes.

Chap 27. An Act to amend the Act to aid the construction of the Winnipeg and Hudson's Bay Railway and Steamship Company

Chap. 28. An Act to amend "The Real Property Act of 1885," and for other poses.

Chap. 30. An Act to amend Chapter 20 of 46 and 47 Victoria, intituled: "An Act respecting Appeals from Convictions and Orders made by Justices of the Peace."

Chap. 31. An Act respecting the Profession of Medicine and Surgery.

Chap. 32. An Act to regulate Lien Notes.

Chap. 33. An Act to amend the Act for better ensuring the efficiency of the Civil Service of Manitoba by providing for the superannuation of persons employed therein, in certain cases.

Chap. 34. An Act to amend the County Court Acts.

Chap. 35. An Act to amend the "Administration of Justice Act, 1885."

Chap 36. An Act respecting Suitors' Fund Account in the Court of Queen's Bench.

Chap. 37. An Act respecting Suits against the Crown by Petition of Right.

Chap. 38. An Act respecting the Settlement of Claims made by the Province of Manitoba on the Dominion.

Chap. 39. An Act to further amend the Acts relating to the Department of Agriculture, Statistics and Health.

Chap. 40. An Act to divide the Province of Manitoba into Electoral Divisions.

Chap. 42. An Act respecting Mortgages, Loans and the Covenants therein.

Chap. 43. An Act to amend Chapter 34, 48 Victoria.

Chap. 44. An Act to provide for the incorporation of "Farmers Mutual Benefit Associations."

Chap. 45. An Act respecting Assignments for the Benfit of Creditors.

Chap. 46. An Act to amend Chapter 6, 48 Victoria, intituled: "An Act to consolidate and amend the Acts relating to the Department of Public Works."

Chap. 47. An Act to amend Chapter 12, Consolidated Statutes of Manitoba, intituled: "An Act respecting Highways and Roads."

Chap. 48. An Act respecting the Assets and Liabilities of the City of Emerson, and providing for certain matters connected therewith.

Chap. 49. An Act respecting aid granted to Railways under the Railway Aid Act, 1885, and for making provisions with regard to the same.

Chap. 50. An Act to provide for the Maintenance of the Administration of Justice in the Courts, and of the Court Houses and Gaols in Manitoba.

Chap. 51. An Act respecting Fees payable in Law Stamps.

Chap. 53. An Act to amend the Manitoba Municipal Act, 1886.

Chap. 54. An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government of the Province for the fiscal year ending 30th June, 1887, and for the fiscal year ending 30th June, 1886 and for other purposes connected with the Public Service.

Chap. 55. An Act to incorporate the Neepawa and Duck Mountain Railway Company.

Chap. 56. An Act to incorporate the Synod of the Diocese of Rupert's Land.

Chap. 57. An Act to amend "An Act to incorporate the Selkirk and Portage Central Railway Company.

Chap. 58. An Act to incorporate the Young Men's Christian Association of the City of Winnipeg.

Chap. 60. An Act to incorporate "The Winnipeg General Trusts Company."

Chap. 61. An Act respecting the College of Manitoba.

Chap. 62. An Act to legalize and render valid the election of the Council of the Municipality of Osprey.

Chap. 63. An Act to incorporate "The Manitoba Assurance Company."

Chap. 64. An Act to amend Chapter 59 of the Statutes of Manitoba, 46 and 47 Victoria.

Chap. 66. An Act to incorporate the "Chartered Accountants Association of Manitoba.

Chap. 67. An Act relating to conveyances by the Corporation of the Bishop of Rupert's Land.

Chap. 68. An Act to amend Chapter 84 of the Statutes of this Province, 46 and 47 Victoria.

Chap. 69. An Act to legalize a certain by-law of the Protestant School Board of School Trustees of the Birtle Union School District of Manitoba.

Chap. 70. An Act to transfer the Shares, Business, Assets and Liabilities of the Manitoba Investment Association to the Dominion of Canada Mortgage Company (Limited) and to authorize the last mentioned Company to transact business in the Province of Manitoba, and for other purposes.

Chap. 71. An Act to incorporate the "Manitoba Rowing Club."

Chap. 72. An Act to amend 40 Victoria, chapter 41, intituled: "An Act to incorporate Wesley College."

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 25th April,* 1887.

The Committee of the Privy Council have had under consideration the Report, dated 13th April, 1887, from the Minister of Justice, upon the Acts passed by the Legislature of the Province of Manitoba in the session held in 1886, authentic copies of which was received by the Secretary of State on the 3rd day of February, 1887.

The Committee, on the recommendation of the Minister of Justice, advise:

1. That Your Excellency defer action respecting Chap. 5 intituled: "An Act respecting Probate and Administration."

Chap. 15, an Act respecting "County Court Judges."

Chap. 29. "An Act respecting the Election of Members of the Legislative Assembly."

Chap. 41. "An Act to further amend the Marriage License Law."

Chap. 52. "An Act to consolidate and amend the laws relating to Municipal Corporations."

Chapter 59. "An Act to incorporate the Saskatchewan and Western Railway Company" and Chap. 65. "An Act to incorporate the Shell River Railway Company."

2. That the Acts, the Titles and Chapters of which are given in the annexed schedule, be left to their operation.

3. That the Secretary of State be authorized to forward a copy of this Minute and of the annexed Report of the Minister of Justice to the Lieutenant Governor of Manitoba for the information of his Government.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 23rd May, 1887.

SIR,—I have the honor to inform you that His Excellency the Governor General has had under his consideration in Council the Acts passed by the Legislature of the Province of Manitoba during the Session of 1886, authentic copies of which were received by the Secretary of State on the 3rd day of February, 1887. I have now to transmit to you herewith, for the information of your Government, copy of an approved Minute of Council on the subject, together with the report of the Minister of Justice therein referred to.

I have, &c.,
(Signed) G. POWELL,
Under Secretary of State.

His Honor the Lieutenant-Governor of Manitoba,
Winnipeg, Man.

Private Secretary of Lieutenant Governor to Under Secretary of State.

GOVERNMENT HOUSE, WINNIPEG, MAN., 28th May, 1887.

SIR,—I am instructed by His Honor the Lieutenant Governor to acknowledge the receipt of your despatch of the 23rd inst., transmitting a copy of an approved Minute of Council, together with the Report of the Minister of Justice therein referred to, dealing with the Acts passed by the Legislature of Manitoba during the Session of 1886.

I have, &c.,
(Signed) LAWRENCE J. CLARKE,
Private Secretary.

G. POWELL, Esq., Under Secretary of State,
Ottawa.

Deputy Minister of Justice to the Under Secretary of State.

DEPARTMENT OF JUSTICE, OTTAWA, 27TH June, 1887.

The undersigned has the honor to recommend that a telegraphic despatch be sent to the Lieutenant Governor of Manitoba calling his attention to your despatch of the 23rd May last, respecting the Acts of the Legislature of Manitoba passed during the Session of 1886.

(Signed) GEO. W. BURBIDGE,
Deputy Minister of Justice.

The Under Secretary of State.

Hon. the Secretary of State to Lieutenant Governor of Manitoba.

(*Telegram.*)

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 2nd July, 1887.

Please invite attention of your Government to my letter of twenty-third May last, respecting Acts of Legislature of Manitoba passed during Session of 1886.

(Sig'd) J. A. CHAPLEAU.

Secretary of State.

To His Honor the Lieutenant Governor of Manitoba, Winnipeg.

Lieutenant Governor to Hon. the Secretary of State.

GOVERNMENT HOUSE, WINNIPEG MAN., 4th July, 1887.

SIR,—I have the honor to acknowledge the receipt of your telegram of the 2nd instant, and as requested have invited the attention of my Government to your letter of the 23rd of May last respecting Acts of Legislature of Manitoba passed during the session of 1886.

I have, &c.,

(Signed) J. C. AIKINS,

Lieutenant Governor.

The Hon. the Secretary of State,
Ottawa, Ont.

MANITOBA—50TH VICTORIA, 1887.

5TH SESSION—5TH LEGISLATURE.

Report of the Hon. the Minister of Justice upon Bills Nos. 5 and 81.

DEPARTMENT OF JUSTICE, OTTAWA, 4th July, 1887.

To His Excellency The Governor General in Council:

The undersigned has the honor to report that he has had under consideration the following Acts passed by the Legislature of Manitoba at its last Session:

(1.) Bill No. 5—"An Act respecting the construction of the Red River Valley Railway," which received the assent of the Lieutenant Governor on the 1st of June instant.

(2.) Bill No. 81—"An Act to amend the Public Works Act of Manitoba," which received the assent of the Lieutenant Governor on the 10th June instant.

By the Act respecting the construction of the Red River Valley Railway, the Government of Manitoba is given authority among other things to construct a line of railway from a point within the city of Winnipeg to a point in or near the town of West Lynne.

By the Act to amend the Public Works Act of that Province, the Minister of Public Works is given authority to construct any public work at the expense of the Province, of which the construction is assigned to him by the Lieutenant Governor in Council, and whether such public work is authorized by the statutes now in force or not. It is also provided that there may be raised by loan upon the credit of the Province such sums as may be necessary, bearing interest at a rate not exceeding 5 per cent., for the purpose of constructing such public works.

It is evident that under such an Act a railway such as the Red River Valley Railway could be constructed by the Minister of Public Works as a public work of the Province of Manitoba. It is evident, also, that each of the Acts referred to is in conflict with that policy of the Parliament and of the Government of Canada, reconfirmed at the last Session of Parliament, by which it is sought to prevent the diversion of trade from the railway system of Canada to the railways of the United States.

In addition to this fundamental objection the Act respecting the construction of the Red River Valley Railway is, the undersigned thinks, open to the following objections:—

(1.) By section 8, sub-ss., 2, 4, 6, and 7, and sections 12 and 22, authority is given, among other things, to enter upon lands and take possession thereof, and to appropriate so much of such public lands as is deemed necessary for the purposes of the railway, and also to take therefrom earth, trees and other materials.

The public lands of Manitoba are for the most part and with the exception of those especially transferred to the Province, vested in Her Majesty in the right of the Dominion of Canada, and it is not competent, the undersigned thinks, for the Legislature of that Province to authorize anyone to enter upon and to appropriate for any purpose, the lands so vested in Her Majesty in the right of the Dominion of Canada.

They are part of the public property of Canada, which, by the 91st section of the British North America Act, 1867, is exclusively within the Legislative authority of the Parliament of Canada, and in respect of which, therefore, the Legislature of the Province of Manitoba has no legislative authority.

(2.) By section 8, sub-section 9, authority is given to connect the Red River Valley Railway with any other railway at any point on its route; and provision is made for determination by arbitrators of any difference that may arise in respect of such connection.

This power if attempted to be exercised in respect of any railway constructed under the authority of an Act of the Parliament of Canada would lead to a conflict of law and of authority, as the Parliament of Canada has made provision with reference to the same subject (See R. S. C., c. 109, s. 6, sub-ss. 13 and 14). Again this power if attempted to be exercised in respect to the connection with any railway at the boundary of the Province, or with a railway extending beyond the limits of the Province, would be in excess of any authority which the Legislature of Manitoba could grant, as may be clearly seen by reference to the British North America Act, 1867, sec. 9, clause 10 (*a*).

It is obvious that the objection pointed out in reference to the Legislature of Manitoba purporting to give power to enter upon and appropriate public lands vested in Her Majesty in the right of the Dominion of Canada, applies equally to the Act to amend the Public Works Act of Manitoba, especially if an attempt were made to use that Act for the construction of railways within that Province, as indeed it must apply to every Act by which the Legislature of that Province purports to give authority to enter upon such lands.

Attention, perhaps, has not in the past been drawn as much as it might have been to this point, because the Government of Canada was not unwilling to allow the public lands of Canada to be used for the purpose of railways, the construction of which the Government thought was in the public interest; but now that a difference of opinion has arisen between the two Governments as to what railways it is in the public interest to construct in that Province, it is but right to call attention to the difficulties which surround the Legislature of that Province in attempting to deal with the construction of railways through lands over which it has no legislative authority whatever.

For these reasons the undersigned respectfully recommends that the Acts herein mentioned be respectively disallowed.

(Signed) JNO. S. D. THOMPSON,
Minister of Justice.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 6th July*, 1887.

The Committee have had under consideration the Report of the Minister of Justice, dated 4th July, 1887, recommending for the reasons therein stated that the following Acts, passed by the Legislature of the Province of Manitoba at its last Session, be disallowed, namely:—

Bill No. 5. An Act respecting the construction of the Red River Valley Railway.

Bill No. 81. An Act to amend the Public Works Act of Manitoba.

The Committee advise that the said Acts be disallowed accordingly, and that the Secretary of State be authorized to forward a copy of this Minute and of the Report of the Minister of Justice to the Lieutenant Governor of Manitoba for the information of his Government.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

Proclamation Disallowing Bills Nos. 5 *and* 81.

GOVERNMENT HOUSE, OTTAWA, Wednesday, 6th day of July, 1887.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas the Lieutenant Governor of the Province of Manitoba, with the Legislative Assembly of that Province, did, on the dates hereafter respectively mentioned, pass the following Acts which have been transmitted, namely:—

Bill No. 5—"An Act respecting the construction of the Red River Valley Railway," on the 1st June, 1887;

Bill No. 81—"An Act to amend the Public Works Act of Manitoba," on the 10th June, 1887;

And whereas the said Acts have been laid before His Excellency the Governor General in Council, together with a Report from the Minister of Justice, recommending that the said Acts be disallowed;

His Excellency the Governor General in Council, has therein from this day been pleased to declare his disallowance of the said Acts, and the same are hereby disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Manitoba, and all other persons whom it may concern are to take notice and govern themselves accordingly.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

I, Sir Henry Charles Keith Petty Fitzmaurice, Marquis of Lansdowne, Governor General of Canada, do hereby certify that the following Acts of the Legislature of the Province of Manitoba, namely :—

Bill No 5—"An Act respecting the construction of the Red River Valley Railway," passed on the 1st June, 1887; and

Bill No. 81—"An Act to amend the Public Works Act of Manitoba," passed on the 10th June, 1887; were received by me on the 2nd and 14th days of July respectively.

Given under my hand and seal this 6th day of July, 1887.

(Signed) LANSDOWNE.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 13th July, 1887.

SIR,—I have the honor to acquaint you, for the information of your Government, that His Excellency the Governor General has had under his consideration in Council the Acts passed by the Legislature of Manitoba in the year 1887, chaptered 5 and 81, intituled, respectively: "An Act respecting the construction of the Red River Valley Railway;" and "An Act to amend the Public Works Act of Manitoba," and to state that His Excellency is advised that the power of disallowance be exercised with regard to the same.

I enclose an Order of His Excellency the Governor General declaring his disallowance of the said two Acts, together with the certificate of His Excellency as to the date of the receipt thereof.

I also transmit herewith copies of the Order in Council upon the subject and of the report therein referred to.

I have, &c.,

(Signed) G. POWELL,

Under Secretary of State.

His Honor the Lieutenant Governor of Manitoba,
Winnipeg, Man.

Under Secretary of State to Provincial Secretary of Manitoba.

(*Telegram.*)

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 16th July, 1887.

Copies extra *Gazette* containing disallowance Red River Valley Railway Act and Act to amend Public Works Act sent you by mail to-day. Orders in Council disallowing Acts sent to Lieutenant Governor Thursday last.

(Signed) G. POWELL,

Under Secretary of State.

To Hon. Provincial Secretary,
Winnipeg, Man.

Private Secretary of Lieutenant Governor to Under Secretary of State.

GOVERNMENT HOUSE, WINNIPEG. MANITOBA, 16th July, 1887.

SIR,—I am instructed by His Honor the Lieutenant Governor to acknowledge the receipt, by to-day's mail, of your despatch of the 13th inst., transmitting, with

other enclosures, an Order of His Excellency the Governor General in Council disallowing the Acts passed by the Legislature of Manitoba in the year 1887, chaptered 5 and 81, and intituled, respectively: "An Act respecting the construction of the Red River Valley Railway," and "An Act to amend the Public Works Act of Manitoba."

I have, &c.,

(Signed) LAURENCE J. CLARKE,
Private Secretary.

G. POWELL, Esq.,
Under Secretary of State, Ottawa, Ont.

Report of the Hon. the Minister of Justice upon Bill No. 68.

DEPARTMENT OF JUSTICE, OTTAWA, 14th July, 1887.

To His Excellency the Governor General in Council:

The undersigned has the honor to report that he has had under consideration an Act passed by the Legislature of the Province of Manitoba at its last Session (Bill No 68) intituled: "An Act for further improving the Law," which received the assent of the Lieutenant Governor on the 10th day of June last and an authentic copy of which was received from the Lieutenant Governor by the Secretary of State for Canada on the 4th day of July instant.

By the 7th section of this Act it is provided that all persons being engaged as contractors, sub-contractors, servants, employés or workingmen or otherwise howsoever on the construction of any public work, or belonging to this Province, or in the doing of any work under the sanction expressed in writing of the Minister of Public Works or the Commissioner of Railways of this Province, in pursuance of any Statute or Act or Resolution of the Legislative Assembly of this Province, shall be taken and deemed in all courts of justice to be the servants of Her Majesty, and such sanction of the Minister of Public Works or of the Commissioner of Railways of the Province for the time being shall be taken and deemed in all courts of justice to be full and competent authority and justification to such person or persons for the construction or doing of such work as aforesaid, and all other Acts and things purporting by such Statute, Act or Resolution to be authorized to be done by or on behalf of such Minister or Commissioner for the purposes thereof.

The immunity from responsibility and liability for their acts, which by this provision is given to contractors and persons employed in the construction of any public work in the Province of Manitoba or in doing any work under the direction of the Minister of Public Works or of the Commissioner of Railways of that Province is of such an unusual and extraordinary character and constitutes such a manifest interference with private rights that the undersigned is of opinion that the Act should be disallowed without further delay.

He, therefore, recommends that the Act of the Legislature of the Province of Manitoba, passed in the Session held in the year 1887, No. 68, and intituled: "An Act for further improving the Law," be disallowed.

(Signed) JOHN A. MACDONALD,
For Minister of Justice.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 18th July,* 1887.

The Committee have had under consideration the annexed Report, dated 14th July, 1887, from the Minister of Justice, upon an Act passed by the Legislature of

the Province of Manitoba at its last Session (Bill No. 68), intituled: "An Act for further improving the Law," which received the assent of the Lieutenant Governor on the 10th day of June last.

The Committee, on the reconsideration of the Minister of Justice, and for the reasons stated in the above mentioned Report, advise that the said Act be disallowed.

The Committee further advise that the Secretary of State be authorized to forward a copy of this Minute and of the said Report to the Lieutenant Governor of Manitoba for the information of His Government.

(Signed) JOHN. J. McGEE,

Clerk, Privy Council.

To the Hon. the Secretary of State.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 18th July*, 1887.

The Committee have had under consideration the annexed Report dated 14th July, 1887, from the Minister of Justice upon an Act passed by the Legislature of the Province of Manitoba at its last Session (Bill No. 68), intituled: "An Act for further improving the Law," which received the assent of the Lieutenant Governor on the 10th day of June last.

The Committee, on the reconsideration of the Minister of Justice and for the reasons stated in the above mentioned Report, advise that the said Act be disallowed.

The Committee further advise that the Secretary of State be authorized to forward a copy of this Minute and of the said Report to the Lieutenant Governor of Manitoba for the information of his Government.

(Signed) JOHN J. McGEE,

Clerk, Privy Council.

To the Hon. The Minister of Justice.

Proclamation disallowing Bill No. 68.

GOVERNMENT HOUSE, OTTAWA, MONDAY, 10th day of July, 1887.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas the Lieutenant Governor of Manitoba, with the Legislative Assembly of that Province did, on the 10th day of June, 1887, pass an Act which has been transmitted, intituled: "An Act for further improving the Law," numbered 68;

And whereas the said Act has been laid before His Excellency the Governor General in Council, together with a Report from the Minister of Justice, recommending that the said Act should be disallowed;

His Excellency the Governor General in Council has, thereupon, this, day been pleased to declare his disallowance of the said Act, and the same is disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Manitoba, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed) JOHN J. McGEE.

Clerk, Privy Council.

I, Sir Henry Charles Keith Petty Fitzmaurice, Marquis of Lansdowne, Governor General of Canada, do hereby certify that the Act passed by the Legislature of Manitoba on the 10th June, 1887, intituled: "An Act for further improving the Law," was received by me on the 4th day of July, 1887.

Given under my hand and seal this 18th day of July, 1887.

(Signed) LANSDOWNE.

Secretary of State to Lieutenant Governor of Manitoba.

DEPARTMENT OF SECRETARY OF STATE, OTTAWA, 19th July, 1887.

SIR,—I have the honor to inform you that His Excellency the Governor General has had under his consideration in Council an Act passed by the Legislature of the Province of Manitoba at its last Session (Bill No. 68), intituled: "An Act for further improving the Law," and that His Excellency is advised that the power of disallowance be exercised with respect to the same.

I enclose for the information of your Government a copy of the Order in Council on the subject, and of the Report of the Hon. the Minister of Justice therein referred to.

The Order of His Excellency the Governor General declaring his disallowance of the above Act, together with the certificate of His Excellency as to the date of the receipt of the said Act will follow in due course.

I have, &c.,

(Signed) J. A. CHAPLEAU,

Secretary of State.

To His Honor the Lieutenant Governor of Manitoba,
Winnipeg, Man.

Under Secretary of State to Lieutenant Governor of Manitoba.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 22nd July, 1887.

SIR,—Adverting to the subject of my letter to you of the 19th instant, I have now the honor, in the absence of the Secretary of State, to transmit to you, herewith, the Order of His Excellency the Governor General in Council declaring his disallowance of an Act passed by the Legislature of the Province of Manitoba at its last Session (Bill No. 68), intituled: "An Act for further improving the Law," together with the certificate of His Excellency as to the date of the receipt of the said Act.

I have, &c.,

(Signed) G. POWELL,

Under Secretary of State.

To His Honor the Lieutenant Governor of Manitoba,
Winnipeg, Man.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, WINNIPEG, MAN., 22nd July, 1887.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 19th inst., transmitting, for the information of my Government, copies of a Report of a

Committee of the Honorable the Privy Council, advising the disallowance of Bill No. 68, passed by the Legislature of Manitoba in its last Session, intituled : " An Act for further improving the Law," and the Report of the Minister of Justice referred to in the above mentioned Report.

I have the honor to state that the matter will receive immediate attention.

I have, &c.,

(Signed) J. C. AIKINS,

Lieutenant Governor.

The Honorable the Secretary of State,
Ottawa, Ont.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, WINNIPEG, MAN., 26th July, 1887.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 19th instant, transmitting, for the information of my Government, copies of the Report of a Committee of the Honorable the Privy Council, advising the disallowance of an Act passed by the Legislature of the Province of Manitoba at its last Session (Bill No. 68), intituled : " An Act for further improving the Law," and also the Report of the Honorable the Minister of Justice referred to in the above mentioned Report.

I have the honor to acknowledge, also, a despatch from the Under Secretary of State, bearing the date the 22nd inst., enclosing the Order of His Excellency the Governor General in Council, declaring his disallowance of the said Act, together with the certificate of His Excellency, as to the date of the receipt of the same; and I have the honor to state that I have requested my Government to publish, forthwith, a proclamation of the disallowance of the said Act.

I have, &c.,

(Signed) J. C. AIKINS,

Lieutenant Governor.

Hon. J. A. CHAPLEAU,
Secretary of State, Ottawa, Ont.

Report of the Honorable the Minister of Justice upon Bills Nos. 1, 2 and 54.

DEPARTMENT OF JUSTICE, CANADA, OTTAWA, 5th August, 1887.

To His Excellency the Governor General in Council :—

The undersigned has the honor to report that he has had under consideration the following Acts passed by the Legislature of Manitoba at its last Session :—

1. Bill No. 1, " An Act to incorporate the Manitoba Central Railway Company."
2. Bill No. 2, " An Act to incorporate the Winnipeg and Southern Railway Company."
3. Bill No. 54, " An Act to incorporate the Emerson and North-Western Railway Company."

The undersigned has also in the same connection had under consideration the Report of the Minister of Railways and Canals, dated the 4th July, respecting the charters of the Manitoba Central Railway Company and the Winnipeg and Southern Railway Company.

The Act to incorporate the Manitoba Central Railway Company and the Act to incorporate the Winnipeg and Southern Railway Company received the assent of the Lieutenant Governor on the 19th April last, and authentic copies thereof were received by the Secretary of State on the 2nd July last.

The Act to incorporate the Emerson and North-Western Railway Company received the assent of the Lieutenant Governor on the 10th June last, and an authentic copy thereof was received by the Secretary of State on the 4th July last.

By the Act to incorporate the Manitoba Central Railway Company, the Company is authorized to construct a railway "commencing at a point at the city of Winnipeg, thence running southerly to the 49th parallel of north latitude, known as the International Boundary, to a point in or near Township 1, Ranges 2 and 3, east of the first Principal Meridian, in the Province of Manitoba, with branches extending from a point or points on the said line of railway not more than twelve miles northerly from the said International Boundary to the said International Boundary at or near the towns of Gretna and Emerson, and also a line of railway extending from a point at the city of Winnipeg and running westerly to a point at the town of Portage la Prairie."

By the Act to incorporate the Winnipeg and Southern Railway Company, the company is given authority to construct a line of railway "commencing at Winnipeg and running south or south-east to the International Boundary of Canada, and not extending beyond the Province of Manitoba."

By the Act to incorporate the Emerson and North-Western Railway Company, the company is given authority to construct a railway "from a point on the Red River at or near St. Jean Baptiste, in a north-westerly direction to the town of Portage la Prairie and also a branch line from some point on the said line of railway in a westerly or north-westerly direction to a point on the western boundary of the Province of Manitoba."

Adverting to his Report of the 4th July last, in reference to the Act respecting the construction of the Red River Valley Railway, and the Act to amend the Public Works Act of Manitoba, and being of opinion that the general objections taken in his Report in regard to the Acts last mentioned apply equally to the Acts now under consideration, the undersigned respectfully recommends that they be disallowed.

(Signed) JOHN S. D. THOMPSON,
Minister of Justice.

Report of the Minister of Railways and Canals.

DEPARTMENT OF RAILWAYS AND CANALS, OTTAWA, 4th July, 1887.

(*Memorandum.*)

The undersigned has had under consideration the despatch dated 4th of May last, from His Honor the Lieutenant Governor of Manitoba, covering an address presented by the Legislative Assembly of that Province, praying that assent be given to the charters of "The Manitoba Central Railway Company" and "The Winnipeg and Southern Railway Company," the said despatch having been referred to him from the Hon. the Privy Council for that purpose.

In dealing with this matter, the undersigned is guided by the following facts:—

1. By the 15th clause of the Canadian Pacific Railway Act, 44 Victoria, Chapter 1, it is laid down as follows:—'From 20 years from the date hereof, no line of railway shall be authorized by the Dominion Parliament to be constructed south of the Canadian Pacific Railway from any point at or near the Canadian Pacific Railway except such line as shall run south-west, or to the westward of south-west; nor to within fifteen miles of latitude 49. And in the establishment of any new province in the North-West Territories, provision shall be made for continuing such prohibition after such establishment until the expiration of the said period.

2. That the policy so adopted has since been maintained by the Government, and that at the last Session of Parliament (1887) the House of Commons rendered the view taken in this matter in 1881 and carried out by the Government.

As the charter of both companies to which assent is asked violates the essential conditions of the above cited stipulation of the Canadian Pacific Railway Act, the undersigned not being able to advise the disregard of the agreement made with that company in so important a particular, cannot recommend that assent be given to the charters in question.

Respectfully submitted,

(Signed) J. H. POPE,

Minister of Railways and Canals.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 9th August,* 1887.

The Committee have had under consideration the Report from the Minister of Justice, dated 5th August, 1887, recommending, for the reasons therein stated, that the following Acts passed by the Legislature of Manitoba, be disallowed, namely:

No. 1. "An Act to incorporate the Manitoba Central Railway Company."

No. 2. "An Act to incorporate the Winnipeg and Southern Railway Company."

No. 54. "An Act to incorporate the Emerson and North-Western Railway "Company."

The Committee advise that the said Acts be disallowed accordingly, and that the Secretary of State be authorized to forward a copy of this Minute and of the Report of the Minister of Justice to the Lieutenant Governor of Manitoba for the information of his Government.

(Signed) JOHN J. McGEE,

Clerk, Privy Council.

Proclamation disallowing Bills Nos. 1, 2 *and* 54.

GOVERNMENT HOUSE, OTTAWA,

TUESDAY, the 9th day of August, 1887.

Present:

HIS EXCELLENCY THE GOVRNOR GENERAL IN COUNCIL.

Whereas the Lieutenant Governor of the Province of Manitoba, with the Legislative Assembly of that Province, did, on the dates hereinafter mentioned, pass the following Acts, which have been transmitted, namely:—

Bill No. 1. "An Act to incorporate the Manitoba Central Railway Company," assented to 19th April, 1887;

Bill No. 2. "An Act to incorporate the Winnipeg and Southern Railway Company," assented to 19th April, 1887; and

Bill No. 54. "An Act to incorporate the Emerson and North-Western Railway Company," assented to 10th June, 1887;

And whereas the said Acts have been laid before His Excellency the Governor General in Council, together with a Report from the Minister of Justice, recommending that the said Acts should be disallowed;

His Excellency the Governor General in Council has, thereupon, this day, been pleased to declare his disallowance of the said Acts, and the same are hereby disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Manitoba, and other persons whom it may concern are to take notice and govern themselves accordingly.

(Signed)

Assistant Clerk, Privy Council.

I, Sir Henry Charles Keith Petty-Fitzmaurice, Marquis of Lansdowne, Governor General of Canada, do hereby certify that the following Acts of the Legislature of the Province of Manitoba, namely:—

Bill No. 1. "An Act to incorporate the Manitoba Central Railway Company;" and Bill No. 2. "An Act to incorporate the Winnipeg and Southern Railway Company," were received by me on the 2nd July last; and Bill No. 54 "An Act to incorporate the Emerson and North-Western Railway Company," was received by me on the 4th July last.

Given under my hand and seal this 9th day of August, 1887.

(Signed) LANSDOWNE.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 13th August, 1887.

SIR,—I have the honor in the absence of the Secretary of State to inform you that His Excellency the Governor General has had under his consideration in Council, Acts passed by the Legislature of the Province of Manitoba at its last Session, intituled as follows: (Bill No. 1) "An Act to incorporate the Manitoba Central Railway;" (Bill No. 2) "An Act to incorporate the Winnipeg and Southern Railway Company; and (Bill No. 54) "An Act to incorporate the Emerson and North Western Railway Company."

His Excellency, I am now to state, is advised the power of disallowance should be exercised with regard to the same.

The Order of His Excellency the Governor General in Council declaring his disallowance of the said Acts, together with the certificate of His Excellency as to the date of the receipt of the same is herewith transmitted to you.

I also enclose for the information of your Government copies of the Order in Council on the subject and of the Report of the Minister of Justice therein referred to.

I have, &c.,

(Signed) G. POWELL,

Under Secretary of State.

His Honor
The Lieutenant Governor of Manitoba,
Winnipeg.

Private Secretary Lieutenant Governor to Under Secretary of State.

GOVERNMENT HOUSE, WINNIPEG, MAN., 16th August, 1887.

SIR,—I am instructed by His Honor the Lieutenant Governor to acknowledge the receipt of your despatch of the 13th instant, transmitting, for the information of His Honor's Government, an Order in Council of His Excellency the Governor

General disallowing Acts No. 1, No. 2 and No. 54, of the Legislature of Manitoba, passed in the last Session and I have to acknowledge also the Certificate of His Excellency the Governor General, as to the date of the receipt of the same, and copies of the Order in Council on the subject and of the Report of the Honorable the Minister of Justice therein referred to.

I have, &c.,

(Signed) LAWRENCE J. CLARKE,

Private Secretary.

G. POWELL, Esq.,
Under Secretary of State,
Ottawa.

COPIES OF CORRESPONDENCE EXCHANGED WITH THE IMPERIAL GOVERNMENT CONCERNING THE DISALLOWANCE OF THE RAILWAYS ACTS OF MANITOBA.

The Governor General to Secretary of State for Colonies.

GOVERNMENT HOUSE, OTTAWA, 4th January, 1888.

SIR,—I have the honor to enclose herewith copies of the following documents:—

(1.) Despatch addressed by the Lieutenant Governor of the Province of Manitoba to the Dominion Government transmitting a memorial to Her Majesty in Council upon the subject of the disallowance of the Red River Valley Railway Act, and other railway charters; the memorialists praying to be heard before Her Majesty in Council in reference to these disallowances.

(2.) An approved Report of the Privy Council of Canada enclosing a memorandum, which has been prepared by my Ministers of the Interior and of Justice, upon the matters dealt with in the above mentioned memorial.

I have, &c.,

LANSDOWNE.

The Right Honorable
SIR HENRY HOLLAND, &c., &c.

Lieutenant Govenor to Secretary of State.

GOVERNMENT HOUSE, WINNIPEG, MAN., 12th October, 1887.

SIR,—I have the honor to forward by to-day's mail, per registered parcel post, for transmission to His Excellency the Governor General, a memorial to Her Most Excellent Majesty in Council, with the request that the same may be forwarded to the Secretary of State for the Colonies.

I have, &c.,

J. C. AIKINS,

Lieutenant Governor.

Honorable J. A. CHAPLEAU,
Secretary of State, Ottawa, Ont.

Petition of Executive Council of Manitoba to Her Majesty the Queen.

To Her Most Excellent Majesty in Council:

MAY IT PLEASE YOUR MAJESTY: The memorial of the Executive Council of the Province of Manitoba, Dominion of Canada, humbly showeth:—

1. That it was amongst other things provided by the 16th section of "The British North America Act" that it should be lawful for the Queen, by and with the advice of Her Majesty's Most Honorable Privy Council, on addresses from the Houses of the Parliament of Canada, to admit Rupert's Land and the North-Western Territory, or either of them into the Union, on such terms and conditions in each case as are in the addresses and as the Queen thinks fit to approve, subject to the provisions of said British North America Act.

2. That on address from the Houses of Parliament of Canada, the Queen, by and with the advice and consent of Her Majesty's Most Honorable Privy Council, under the authority of the said 146th section of "The British North America Act, 1867," did, by Order in Council in that behalf, admit Rupert's Land and the North-Western Territory into the Union, or Dominion of Canada, and there was formed out of the same the Province of Manitoba, which thenceforth became one of the Provinces of the Dominion of Canada, which Province of Manitoba was then bounded as follows, that is to say: Commencing at the point where the meridian of ninety-six degrees west longitude from Greenwich intersects the parallel of forty-nine degrees north latitude; thence due west along the said parallel of forty-nine degrees north latitude (which forms a portion of the boundary line between the United States of America and the said North-Western Territory) to the meridian of ninety-nine degrees of west longtitude; thence due north along the said meredian of ninety-nine degrees west longitude to the intersection of the same with the parallel of fifty degrees and thirty minutes north latitude; thence due east along the said parallel of fifty degrees and thirty minutes north latitude to its intersection with the before mentioned meridian of ninety-six degrees west longitude; thence due south along the said meridian of ninety-six degrees west longitude to the place of the beginning.

3. That the terms and conditions on which Manitoba was admitted into the Union and became one of the Provinces of the Dominion of Canada are set forth in the Act of the Parliament of Canada, 32 and 35 Victoria, Chapter 3, and amending Acts, which Acts are styled and known as "The Manitoba Act."

4. That it is provided by the second section of "The Manitoba Act" that on, from and after the said day on which the order of the Queen in Council shall take effect as aforesaid, the provisions of the said British North America Act, 1867, shall, except those parts thereof which are in terms made, or by reasonable intendment may be held to be specially applicable to, or only to affect one or more, but not the whole of the Provinces now comprising the Dominion, and except so far as the same may be varied by this Act, be applicable to the Province of Manitoba in the same way and to the like extent as they apply to the several Provinces of Canada, and as if the Province of Manitoba had been one of the Provinces originally united by the said Act.

5. That it is amongst other things provided by the 92nd section of the British North America Act that in each Province the Legislature may exclusively make laws in relation to matters coming within the classes of subjects therein enumerated, and sub-sections 10, 11, and 16 of said section 92 are in the words following:—

"10. Local works and undertakings other than such as are of the following classes:—

"(*a.*) Lines of steam or other ships, railways, canals, telegraphs and other works and undertakings connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province;

"(*b.*) Lines of steamships between the Province and any British or foreign country;

"(c) Such works as, although wholly situate within the Province, are, before or after their execution, declared by the Parliament of Canada to be for the general advantage of Canada, or for the advantage of two or more of the Provinces;

"(11.) The incorporation of Companies with Provincial objects;

"(16.) Generally all matters of a merely local or private nature in the Province."

6. That the Legislature of the Province of Manitoba by the said in part recited Acts acquired and ever since has had the undoubted and exclusive power to charter and construct lines of railway situate wholly within the boundaries of Manitoba as above defined and from any one point to any other point within the Province.

7. That by Act of the Parliament of Canada, 44 Victoria, Chapter 1, intituled: "An Act respecting the Canadian Pacific Railway," a charter of incorporation was granted to "The Canadian Pacific Railway Company," on the terms and conditions in said Act fully set forth.

8. That the 15th clause of said charter is in the words and figures following:—

"15.—For twenty years from the date hereof no line of railway shall be authorized by the Dominion Parliament to be constructed south of the Canadian Pacific Railway, from any point at or near the Canadian Pacific Railway, except such line as shall run south-west or to the westward of south-west, nor to within fifteen miles of latitude 49. And in the establishment of any new Province in the North-West Territories, provision shall be made for continuing such prohibition after such establishment until the expiration of the said period."

9. That while said Canadian Pacific Railway charter was being discussed, as aforesaid, in the Dominion Parliament, much alarm was occasioned in this Province, and public meetings were held protesting against the granting of a monopoly in the Province of Manitoba to the Canadian Pacific Railway, and the Legislature of this Province being then in session, the matter occupied much attention, and the following resolutions were introduced to and unanimously adopted by the Legislature on the subject:—

"WEDNESDAY, 22nd December, 1880.

"The Hon. Mr. Norquay, seconded by the Hon. Mr. Girard, moved the following:—

"Whereas it appears from a telegram dated 18th December, 1880, addressed by the Right Hon. Sir John A. Macdonald, Premier of the Government of Canada, to Thomas Scott, M.P. for Selkirk, that the Canadian Pacific Railway will have power to build branch lines anywhere:

"And whereas it is further intended, as appears from the publication of the terms on which the Canadian Pacific Railway Syndicate have agreed to construct, equip, maintain and operate the said Canadian Pacific Railway, to grant to the said Company the exclusive right of building and operating branch lines of railway to the international boundary between Canada and the United States;

"And whereas it appears further that the said Company have the right of accepting only such alternate sections of land as they may think proper, and it is deemed that the powers intended to be granted to the Company would be detrimental to the best interests of the Province of Manitoba;

"And while this House is of opinion that the construction of the Canadian Pacific Railway should be entrusted to a private company, it views with alarm some of the terms of agreement between the Government and the Syndicate.

"Therefore, be it resolved—

"Whereas it appears, &c., that for the present the Canadian Pacific Railway Syndicate should have given to them power to build only the main line of the Canadian Pacific Railway, and that any other line or branch line should be built by the Syndicate or other company only after their obtaining power from time to time from the Parliament of Canada to build such line or branch line, and that the main line of the Canadian Pacific Railway shall not be allowed to approach at any point within 15 miles of the international boundary line, and that Parliament should

not abandon its right of authorizing the construction of railways in any direction by other companies;

"That the syndicate shall not have the option of choosing and selecting their lands, but shall be compelled to take alternate sections or townships for their land grant in aid of the construction of the railway, irrespective of the quality of the same."

THURSDAY, 23rd December, 1880.

On motion of Mr. Ross, seconded by Mr. Drummond, "Resolved,—That in the resolution passed by this House, in reference to the terms of agreement between the Dominion Government and the Canadian Pacific Railway Syndicate, it did not commit itself to a limitation of the objectionable terms in the clauses of said contract."

10. That as fully appears from official reports of the Debates of the House of Commons of Canada for the years 1880 and 1881, when the said last named Act was being discussed in the said Parliament of Canada, it was strongly urged on the floor of the House by way of objection to said clause 15 by certain members that it applied to Manitoba and would prevent the building of railways in Manitoba; and to such objection the Right Hon. Sir John A. Macdonald, then and still Premier of Canada and leader of the Government, among other things, said as follows:—

"There will be room for as many railways in that country by-and-bye as there are in Europe, and if there be any attempt—the attempt would be futile—on the part of the Canadian Pacific Railway to impose excessive prices and rates, it is folly that would soon be exposed by the construction of rival lines east and west which would open up our country in all directions and prove amply sufficient to prevent the possibility of a monopoly which has been made such a bugbear of by the honorable gentlemen opposite.

"In order to give them a chance, we have provided that the Dominion Parliament—mind you, the Dominion Parliament; we cannot check any other Parliament; we cannot check Ontario; we cannot check Manitoba—shall for the first ten years after the construction of the road, give their own road, into which they are putting so much money and so much land, a fair chance of existence."

And the Hon. Thomas White, then a leading follower and supporter of the Premier and now a member of said Premier's Cabinet and Minister of the Interior, among other things said as follows:—

"But we are told now that because of the fifteen miles clause there never can be any other railway into this country. To what does that apply? Simply to the territories over which the Dominion Parliament has control. There is nothing to prevent Manitoba now, if it thinks proper, granting a charter for a railway from Winnipeg to the boundary line. At this very moment there is a company in course of organization to build a railway from Winnipeg to West Lynne on the boundary. And after this agreement is ratified, this provision does not take from Manitoba a single right it possesses: in fact this Parliament could not take away those rights. It has the same rights as the other Provinces for the incorporation of railway companies within the boundaries of the Province itself, and there is nothing to prevent the Province of Manitoba from chartering a railway from Winnipeg to the boundary to connect with any southern railway. The only guarantee which this company has under the contract is that their traffic shall not be tapped far west in the prairie section, thus diverting the traffic away from the line, to a foreign line, but there is nothing to prevent a railway being built in Manitoba within the Province that would carry the traffic to any railway that may tap it from the American side. That is the position with respect to this matter."

And after these assurances from the Government, and on the faith of these assurances, further opposition was withdrawn, and the said clause fifteen passed the House in the form in which it had been introduced as hereinbefore set forth.

11. That as appears from the official reports of the Debates of the House of Commons of Canada for the year 1884, Sir Charles Tupper, Minister of Railways,

when urging on the Parliament of Canada the granting to the Canadian Pacific Railway Company of a loan of thirty millions of dollars (which loan was granted), amongst other things, said as follows:—

"I showed that the present Government had adopted the policy of their predecessors in regard to what is called the monopoly in the Province of Manitoba; that when the late Government undertook to carry on the construction of the Canadian Pacific Railway as a Government work, they felt bound to protect the traffic of the road from being drawn off to lines to the south of us in the adjoining Republic, and had, consequently, refused to issue a proclamation which would charter lines within the Province of Manitoba to connect with American lines to the south. I said that the present Government, when we came into power, adopted that policy; that we felt, as our predecessors did, that grappling with so gigantic a work as the construction of the Canadian Pacific Railway, we were bound to adopt every possible means of protecting our own lines against having its traffic drawn to lines to the south—and mark you, this was at a time when we did not contemplate at an early day carrying the Canadian Pacific Railway further than Port Arthur. I said further that when we made it obligatory upon the Canadian Pacific Railway Company to extend at once the line north of Lake Superior, giving us an all-rail route from Montreal to the Pacific Ocean, or from Callendar to the Pacific Ocean, we felt obliged to give to that Company, upon which we imposed such onerous obligations, all the security that we considered necessary, and that our predecessors in the Government had considered necessary for the protection of the Canadian Pacific Railway. But I am glad to be able to state to the House that, although true to that policy, the Government refused to give assent to the construction of lines within the Province of Manitoba to connect with American railways to the south, such is the evidence presented by the operation of the line so far as it has gone, such is the conclusion arrived at by the Canadian Pacific Railway Company itself in regard to the ability of a through line of the Canadian Pacific Railway to take care of itself, and by the inherent power of its own advantages to maintain its position, notwithstanding any competition to which it may be subjected—although we have no power under the contract, to touch any portion of the country in the North-West Territories, we are now in a position to review and to reconsider the policy of the late Government, and the policy of the present Government, as to the continued necessity for any long period of protecting the Canadian Pacific Railway against competition. I am glad to be able to state to the House that such is the confidence of the Canadian Pacific Railway Company in the power of the Canadian Pacific Railway to protect itself, that when the line is constructed north of Lake Superior, the Government feel it will not be incumbent upon them to preserve the position they have hitherto felt bound to preserve, that of refusing to consent to the construction of lines within the Province of Manitoba, connecting it with American railways to the south. I can give no better evidence to the House and to the country of the advanced position which we consider this great enterprise of the Canadian Pacific Railway has attained, than when I say that I feel it is consistent with what we owe to the people of this country and to that great national work, that the Government should not deem it incumbent on themselves to pursue the restrictive policy within the Province of Manitoba, which we have hitherto been obliged to maintain."

12. That after the passing of said Canadian Pacific Railway Act the Legislature of the Province did, according to its undoubted right (as hereinbefore referred to) by Acts of said Legislature, charter divers railway companies for the purpose of constructing, maintaining and operating lines of railway wholly situate within the Province as before defined, yet all of such Acts as chartered a line of railway to be constructed or operated to any point within fifteen miles of the international boundary line have been disallowed and vetoed by the Governor General of Canada in Council, and as the said Canadian Pacific Railway was then incomplete, such disallowance was submitted to rather than in any way impede the completion and rendering permanent of the Canadian Pacific Railway, the same being a national highway.

13. That the said Canadian Pacific Railway has been completed for upwards of 18 months and has become permanent and probably the strongest railway corporation on this continent.

14. That the Province of Manitoba is separated from the markets of Eastern Canada by a distance of from 1,200 to 1,400 miles, and the Province has only two outlets, namely, one north of the chain of lakes by way of the main line of the Canadian Pacific Railway, *via* Thunder Bay, and the other south of Lakes Superior and Huron, by way of branches of the Canadian Pacific Railway to Gretna and Emerson, and thence by the St. Paul, Minneapolis and Manitoba Railway, south and east, with which last mentioned railway the Canadian Pacific Railway is in close alliance, and consequently no relief can be expected therefrom.

15. That there is no railway competition in the Province, the Canadian Pacific Railway Company having a monopoly of the carrying trade of this Province.

16. That the depression and discontent arising from lack of railway competition have become so great throughout the entire Province that the population almost unanimously demand that railway competition must be procured by the construction of an independent line of railway running from Winnipeg (the capital city of the Province) to the southern limit of Manitoba within the Province, as defined in "The Manitoba Act," where freight can be transferred to an independent line of railway and thus competition procured.

17. That through an interview had with the Hon. Thomas White, then and now Minister of the Interior, on the 4th of March, A. D. 1887, in the city of Winnipeg, which is reported in the *Daily Manitoban* of the 5th of March as follows:—

"A deputation of representative Conservative citizens waited on Hon. Thomas White, Minister of the Interior, at the Dominion Lands Office, yesterday afternoon, and had a conference with him on the question of disallowance. Among the gentlemen composing the deputation were, G. F. Galt, R. J. Whitla, F. B. Robertson, W. B. Scarth, M.P., E. P. Leacock, M.P.P., A. V. McLenaghen, J. S. Aikens, G. F. Carruthers, J. B. Mather, J. H. Brock, J. Cosgrave, J. B. McKilligan, F. B. Ross, W. Hespeler, G. J. Maulson, C. Glass, T. Gilroy, H. S. Crotty, and J. R. O'Laughlin."

"Mr. Scarth introduced the deputation to Mr. White, and in doing so urged the discontinuance of the Government's disallowance policy and dwelt strongly on the fact that he had been elected on a pledge to vote against the Government on this question.

"A desultory conversation then ensued, during which the sentiments of the deputation were expressed clearly to Mr. White. Mr. Whitla and Mr. Robertson were the principal spokesmen, and they pointed out how highly beneficial it would be to have competing lines of railway running in the country, that a more rapid development of the country would follow, that it would cause a confidence among the people and give a renewed impetus to the various industries of the country.

"All present were agreed that the time had arrived for the abolishment of disallowance within the old boundaries of Manitoba.

"Mr. White pointed out that when the Act was passed and sent to Ottawa he had no doubt that the Government would give it their attention and that from the strong expressions of opinion from Manitoba and the North-West, in which friends of the Government were found to be most emphatic, the probabilities were that the law would be allowed to take its course. He quite appreciated the urgency of the case, and had no doubt that the Government would act promptly when a measure, in the event of one being passed, was submitted to them, so that in the event of the policy of disallowance being abandoned there may be no delay in making the financial arrangements for carrying out the enterprise.

"Mr. Carruthers said that it was expected the Local Legislature would meet about the 17th of the month, when a charter to build a line of railway to the boundary would be applied for, and as soon as it passed the House the special assent of the Lieutenant Governor in Council would be requested. The charter would then be immediately transmitted to Ottawa with the request that the Government would

reply whether or not it would be allowed. Mr. Carruthers asked Mr. White how soon a reply might be expected if this was done.

"Mr. White replied that a reply would be given without delay. He thought that if the Government intended to continue their disallowance policy the people should know at once.

"The deputation then withdrew, feeling satisfied from the manner in which Mr. White expressed himself that no further opposition may be apprehended from the Government in respect to allowing a railway to be built to the boundary."

And also through a speech delivered by the said Hon. Thomas White (then and now Minister of the Interior), in the city of Winnipeg, on the 7th day of March, 1887, in reply to an address presented to him by the Junior Conservative Association in which amongst other things he said as follows:—

"Your address refers to the question of disallowance, and the elections which have recently occurred and the discussions to which they have given rise have added additional interest to the question. As you are aware, the contract with the Canadian Pacific Railway in no way interferes with the right of the Legislature of Manitoba to grant charters within the boundaries of the Province as they existed at that time. This was very clearly pointed out during the debate in Parliament, when the contract with the Syndicate and the charter to the Company were granted. It was important, however, on every ground, commercial as well as national, that the Canadian Pacific Railway should be an all-through line on Canadian territory, and that we should not be dependent in any way upon American lines for our traffic with Manitoba and the North-West.

"The question now is, has the time arrived when the policy of disallowance may be safely abandoned? You will not, I am sure, expect me as an individual Minister to answer that question. No decision upon it has been arrived at by the Government that I am aware of, and until that decision has been arrived at it would be unfair to you and improper on my part to express a definite opinion. I have always regarded the policy as a temporary one. I have always regarded the statement of Sir Charles Tupper, when Minister of Railways, and when urging the thirty million dollar loan upon the acceptance of Parliament, as embodying the views of the Government. The statement was that the granting of that loan would secure the completion of the railway some four or five years before the time fixed in the original contract, and thus render possible the abandonment of the policy of disallowance at an earlier period. But whether that period has yet arrived must be left for the determination of the Government when the question comes formally before it. This I think I have a right to ask you to assume, that the decision will be come to, not in the interests of any railway corporation, but in the interests of the country, including those of Manitoba and the North-West Territories.

"Should the decision of the Government be in the sense that the people of Manitoba evidently hope it may be, I am quite sure that the Canadian Pacific Railway will be able to hold its own in the competition to which it may be subjected. (Hear, hear.) It occupies a position of special advantage over any other possible line to the south of it. It is shorter in mileage, and it is for its entire length under one management, an advantage the influence of which can hardly be over-estimated. Moreover, competition, resulting in creating a new interest in the development of Manitoba and the Territories, would soon create new and enlarged trade. That has been the result everywhere. In Ontario, for instance, where the Canadian Pacific Railway has invaded territory which the Grand Trunk Railway Company was disposed to regard as its exclusive possession, the result has been to enormously increase the general traffic, an increase in which the Grand Trunk has become a sharer. Everyone must rejoice to see that the traffic returns of that railway to which Canada has been so much indebted in the past, are showing a steady weekly increase, and I think I am right in saying that that increase has come chiefly from Canadian freight and passengers. (Cheers.) There will be trade enough in Manitoba and the North-West to afford profitable traffic returns for both the Canadian Pacific and the Grand Trunk Railways, if the latter should find entrance here, and it would be no small

advantage to the country as a whole to have the large interests connected with these two great corporations enlisted in the work of developing the great west instead of, as there is too much reason to fear has been the case in the past, as to one of them, devoted rather to the prevention of that development."

The people of Manitoba were led to believe that the policy of disallowance of Manitoba railway legislation would not be further continued.

18. That the Legislature of Manitoba passed at the last session thereof (as hereinafter more fully set forth), "An Act to incorporate the Manitoba Central Railway Company," and "An Act to incorporate the Winnipeg and Southern Railway Company," which were assented to on the 19th day of April, 1887, and were transmitted to the Secretary of State forthwith thereafter, with the request that the Governor General in Council would pass upon them immediately, yet the Governor General in Council did not pass upon said two Acts until the 9th day of August, 1887.

19. That the Legislative Assembly of this Province as a consequence were, in the meantime, lead to believe that the representations made by the said Hon. Thos. White, in Winnipeg, as aforesaid, were being adopted by the Dominion Executive, and that the rights of the Province to charter lines of railway within the old Province of Manitoba would not in future be interfered with.

20. That the Legislature of this Province in that belief, and in compliance with the urgent desire of the people throughout the Province for the purpose of procuring railway competition by the construction of an independent line of railway, did, at the said last session of the said Legislature (which session was held in the months of April, May and June, 1887), unanimously pass an Act, intituled: "An Act respecting the construction of the Red River Valley Railway," and being Chapter 4 of the Acts of this Province passed in the fiftieth year of Her Majesty's reign, for the purpose of constructing, maintaining and operating a Government line of railway from a point within the city of Winnipeg to a point within or near the town of West Lynne, within the Province of Manitoba, such railway to be styled and known as "The Red River Valley Railway," and to be a public work belonging to the Province of Manitoba, and the construction of the railway and its management to be under the charge of the Railway Commissioner for Manitoba (an authentic copy of which last-mentioned Act is hereunto annexed), and the said Act was assented to by His Honor the Lieutenant Governor and became law on the first day of June, A. D. 1887.

21. That in pursuance of and under the authority of said "Red River Valley Railway Act," the Railway Commissioner for Manitoba did advertise for tenders for the construction and equipping of said Red River Valley Railway, and on the 29th day of June, A.D. 1887, did enter into a contract for the construction and equipping of said railway, whereby the contractors became and are bound to construct and equip the said railway, and whereby the Province of Manitoba became and is bound to pay to the said contractors the sum of $782,340.00 therefor.

22. That in pursuance of said "Red River Valley Railway Act" and of said contract, and prior to the 6th day of July, 1887, the said Railway Commissioner for Manitoba had the line of said railway surveyed and a large part of the right of way therefor purchased, and the contractors had sub-let by contract part of the work of construction and equipping of said railway, and the contractors and sub contractors at once entered upon their work and prosecuted, and were on and prior to the 6th of July, 1887, prosecuting the same vigorously.

23. That the Legislature of this Province did at its last session pass a certain other Act, intituled: "An Act to amend the Public Works Act of Manitoba," by which Act the Minister of Public Works of the Province was (amongst other things) given authority to construct any public work at the expense of the Province, of which the construction is assigned to him by the Lieutenant Governor in Council.

24. That the Governor General in Council did, by Order in Council and proclamation, dated the 6th day of July, A. D 1887, disallow the said Act, intituled: "An Act respecting the construction of the Red River Valley Railway," and the said Act,

intituled: "An Act to amend the Public Works Act of Manitoba," on the general ground (as set forth in the Report of the Minister of Justice to Council), that each of the Acts referred to was in conflict with that policy of the Parliament and of the Government of Canada, by which it is sought to prevent the diversion of trade from the railway system of Canada to the railways of the United States.

25. That the Legislature of this Province did at its said last session pass certain other Acts granting charters to railway companies, and amongst them an Act, intituled: "An Act to incorporate the Winnipeg and Southern Railway Company," by which Act the company was given authority to construct a line of railway commencing at Winnipeg and running south or south-east to the international boundary of Canada and not extending beyond the Province of Manitoba, and an Act, intituled: "An Act to incorporate the Emerson and North-Western Railway Company," by which Act the company is given authority to construct a railway from a point on the Red River at or near St. Jean Baptiste in a north-westerly direction to the town of Portage la Prairie; and also a branch line from some point on the said line of railway, in a westerly or north-westerly direction, to a point on the western boundary of the Province of Manitoba; and although the Legislature had full power and authority to pass said two last-mentioned Acts, yet the Governor General in Council did, by Order in Council, dated the ninth day of August, 1887, disallow the said two last mentioned Acts, on the ground (as set forth in the Report of the Minister of Justice to Council), that the general objections taken in his Report in regard to said "Act respecting the construction of the Red River Valley Railway" and the "Act to amend the Public Works Act of Manitoba," applied equally to the Acts then under consideration.

26. That the right of deciding what railway or other local public work should in the interests of the Province, be built or constructed, is exclusively within the Local Legislature, and the interference with that right by disallowance of the Acts of the Legislature is a violation of the spirit of the British North America Act and an arbitrary exercise of the veto power.

27. That the Legislature of this Province has decided that in the interests of the Province the Red River Valley Railway should be constructed and to that end unanimously passed the said Act and authorized the construction of said railway as a public work of the Province.

28. That during said last Session of the Legislature of this Province, to wit, on the 9th day of June, 1887, the following resolution was unanimously passed by the Legislative Assembly:

"On motion of the Hon. Mr. Norquay, seconded by the Hon. Mr. Harrison,

"Resolved,—Whereas it is the avowed policy of the Government of the Dominion to continue to advise the disallowance of railway charters granted by the Legislature for the construction and operation of a line of railway to the southern boundary of the Province;

"And whereas it is of the utmost importance to the people of the Province that a charter for such a line of railway should be left to its operation, whereby they would be able to secure competing rates with the Canadian Pacific Railway, and obtain access to the markets of the world for their surplus produce by other than one channel;

"And whereas the rates charged by the Canadian Pacific Railway Company are so excessive that the energies of this Province are crippled to an unwarrantable extent;

"And whereas the continuance of such a policy on the part of the Federal Government is calculated to deter immigrants from settling in the Province and to prevent the investment of capital therein;

"And whereas it is claimed on the part of the Province that in chartering a line of railway wholly within the limits of the old Province, as defined by 33 Vic., cap. 3, the Legislature acts within its legal and constitutional right;

"Therefore, be it resolved, That should the power of disallowance be further exercised in reference to charters granted by this Legislature for the construction and operation of a line or lines of railway wholly within the limits of the old Pro-

vince of Manitoba, the Government are hereby authorized to submit the case of the Province appealing from the action of the Federal Government, and praying that Her Majesty may be pleased to order that in future the Province may be allowed to exercise in this respect her constitutional rights."

29. That the will of the people has been attempted to be set aside by the exercise of the power of disallowance, in disallowing the said Red River Valley Railway Act and said other railway charters.

30. And that by reason of the said policy of disallowance of provincial railway charters all classes of our people have suffered loss; distrust has been created where trust and confidence should have been inspired; trade and commerce have been mischievously unsettled and disturbed; immigration has been retarded; the progress of the Province has been seriously checked, and our people feel that in being deprived of their undoubted rights under the British North America Act they have not the full freedom of British subjects.

Your memorialists would therefore respectfully pray: That they may be heard before Your Majesty in Council through the Honorable John Norquay, First Minister and Provincial Secretary; the Honorable C. E. Hamilton, Attorney General of the Province of Manitoba, and such counsel as may be retained, to further explain the injurious effects of such interference with the legislative powers of the Province, and that an early day be appointed for such hearing; and further, that the practice of disallowing Acts clearly within the power of the Local Legislature may be discontinued; and that in the future the Province may be allowed to exercise in this respect her constitutional rights.

And for such further or other relief as your memorialists may appear entitled to. And as in duty bound will ever pray.

Signed on behalf of the Executive Council of the Province of Manitoba,

J. NORQUAY,

President of Executive Council.

CAP. IV.

AN ACT RESPECTING THE CONSTRUCTION OF THE RED RIVER VALLEY RAILWAY.

[*Assented to 1st June*, 1887.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:—

1. There shall be a railway constructed from a point within the city of Winnipeg to a point within or near the town of West Lynne, within the Province of Manitoba, and said railway shall be styled and known as the "Red River Valley Railway.

INTERPRETATION.

2. In this Act the following words and expressions shall have the meaning hereby assigned to them unless there be something in the subject or context repugnent to such construction:

(*a.*) The term "conveyance" shall include a surrender to the Crown, and any conveyance to the Crown or to the Railway Commissioner for Manitoba, or any officer of the department, in trust for the use of the Crown, shall be held to be a surrender;

(*b.*) The word "Commissioner" shall mean the Railway Commissioner for Manitoba;

(*c.*) The expression "engineer" means any engineer or person permanently or temporarily employed by the Commissioner to perform such work as is ordinarily performed by a civil engineer;

(*d.*) The expression "arbitrators" means arbitrators mentioned in "The Railway Act of Manitoba," or appointed under the provisions of this Act;

(*e.*) The expression "toll" includes any rate or charge or other payment payable for any passenger, animal, carriage, goods, merchandise, matter or thing conveyed on the railway;

(*f.*) The expression "goods" includes things of every kind that may be conveyed upon the railway or upon any other conveyances connected therewith;

(*g.*) The expression "county" includes any county of union of counties.

(*h.*) The expression "highway" means any public road, street, lane or other public way or avenue of communication;

(*i.*) The expression "railway" means the railway authorized to be constructed under this Act or any public work, building or premises to be constructed, used or occupied in connection therewith;

(*j.*) The expression "constable" means a railway constable appointed under this Act or under "The Railway Act" of Canada.

(*k.*) The expression "department" means the Department of the Railway Commissioner for Manitoba;

(*l.*) The expression "superintendent" means the superintendent of the railway to be constructed under this Act, of which he has, under the Commissioner, the charge and direction;

(*m.*) The expression "land" includes all granted or ungranted, public or private lands, and all real property, messuages, lands, tenements and hereditaments of any tenure, and all real rights, easements, servitudes and damages, and all other things for which compensation is to be paid under this Act;

(*n.*) The expression "lease" includes any agreement for a lease;

(*o.*) The word "registrar" shall mean and include the Registrar General or any registrar of deeds in this Province, and the expression "registry office," shall mean and include the land titles office where the property affected is subject to the Real Property Act, 1885

3. Whenever the powers herein given to the Commissioner are exercised by the superintendent or by any other person or officer, employé or servant of the department thereunto specially authorized by the Commissioner, the same shall be presumed to be exercised by the authority of the Commissioner, unless the contrary is made to appear.

4. The said railway shall be a public work belonging to the Province of Manitoba, and shall be of the same gauge and of the same standard as the Canadian Pacific Railway.

5. The construction of the railway and its management shall be under the charge of the Railway Commissioner for Manitoba.

6. The Lieutenant Governor in Council shall appoint a chief engineer to hold office during pleasure, who shall, under the instructions of the Commissioner, have general superintendence of the works to be constructed under this Act.

7. The Lieutenant Governor in Council may appoint a superintendent, and may employ such other engineers, and such surveyors and other officers, agents, servants and workmen as may be necessary for the proper construction and operation and the performance of the powers and duties under the provisions of this Act.

POWERS.

8. The Commissioner shall have full power and authority by himself, his engineers, superintendents, agents, workmen and employés:—

(1.) To explore and survey the country through which it is proposed to construct the said railway;

(2) To enter into and upon any public lands or the lands of any corporation or person whatsoever for that purpose;

(3.) To make surveys, examinations or other arrangements on such lands necessary for fixing the site of the railway, and set out and ascertain such parts of the lands as are necessary and proper for the railway;

(4.) To fell or remove any trees standing in any woods, lands or forests where the railway is to pass, to the distance of six rods on either side thereof;

(5) To make or construct in, upon, across, under or over any land, streets, hills, valleys, roads, railways or tramroads, canals, rivers, brooks, streams, lakes or other waters, except navigable waters such temporary or permanent inclined planes, embankments, cuttings, aqueducts, bridges, roads, sidings, ways, passages, conduits, drains, piers, arches, or other works as he thinks proper;

(6.) To enter upon and take possession of any land, real property, streams, waters and watercourses, except navigable waters, the appropriation of which is, in his judgment, necessary for the use, construction, maintenance or repair of the railway, or for obtaining better access thereto;

(7.) To enter with workmen, carts, carriages and horses upon any land, and deposit thereon soil, earth, gravel, trees, bushes, logs, poles, brushwood or other material found on the land required for the railway, or for the purpose of digging up, quarrying and carrying away earth, stones, gravel or other material, and cutting down and carrying away trees, bushes, logs, poles and brushwood therefrom, for the making, constructing, maintaining or repairing the railway; and the Commissioner may make and use all such temporary roads to and from such timber, stones, clay, gravel sand or gravel pits as are required by him for the convenient passing, to and from the works during their construction and repair, and may enter upon any land for the purpose of making proper drains to carry off the water from the railway, or for keeping such drains in repair;

(8.) To make conduits or drains into, through or under any lands adjoining the railway, for the purpose of conveying water from or to the railway;

(9.) To connect, cross, intersect, join and unite the railway with any other railway at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purpose of such connection and in the event of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by arbitration in the usual manner.

(10.) To construct, maintain and work the railway across, along, or upon any stream of water, watercourse, except navigable waters, canal, highway or railway which it intersects or touches; but the stream, watercourse, highway, canal or railway, so intersected or touched, shall be restored to its former state, or to such state as not to impair its usefulness;

(11.) To make, complete, alter and keep in repair the railway, with one or more sets of rails or tracks, to be worked by the force and power of steam, or of the atmosphere, or of animals, or by mechanical power, or by any combination of them;

(12.) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and, from time to time, alter, repair or enlarge the same, and purchase or acquire stationary or locomotive engines and carriages, waggons, floats and other machinery necessary for the accommodation and use of the passengers, freight or business of the railway;

(13.) To take, transport, carry and convey persons and goods on the railway, and construct, make and do all other matters and things necessary and convenient for taking, extending and using the railway.

(14.) To contract and agree with all persons, guardians, curators and trustees whatsoever, not only for themselves, their heirs, successors and assigns, but also for and on behalf of those whom they represent, whether infants, absentees, lunatics, married women or other persons otherwise incapable of contracting for the purchase of any land or other property necessary for the construction, maintenance and use of the railway and any public work connected therewith, at such prices as are agreed upon; and also contract and agree with all such persons as to the amount of compensation to be paid for any damages sustained by them by reason of anything done under and by authority of this Act or of any other Act respecting railways,

(15.) To enter into an agreement with any railway company, respecting running arrangements on said railway, or for leasing the railway, or any part thereof, or the

use thereof, or for leasing or hiring any locomotives, tenders, plant, rolling stock or other property, or either, or both, or any part thereof, or touching any service to be rendered by the company to the Commissioner, and the compensation therefor, and every such agreement shall be valid and binding and shall be enforced by courts of law according to the terms and tenor thereof, and any company accepting such lease shall be and is hereby empowered to exercise all the rights and privileges conferred upon the Commissioner by law: Provided always, that such arrangements or agreement shall be subject to the approval of the Lieutenant Governor in Council before it can take effect, and in approving thereof the Lieutenant Governor in Council shall regulate the tolls and rates of freight chargeable by any railway company with whom such arrangement or agreement may be made; and provided further, that no such agreement or arrangement shall be made whereby exclusive rights of any kind can be obtained by any such company.

9. Whenever it is necessary in the building, maintaining or repairing of the railway to take down or remove any wall or fence of any owner or occupier of land or premises adjoining the railway, or to construct any back ditches or drains for carrying off water, such wall or fence shall be replaced as soon as the necessity which caused its taking down or removal has ceased, and after the same has been so replaced, or when such drain or back ditch is completed, the owner or occupier of such land or premises shall maintain such walls or fences, drains or back ditches to the same extent as such owner or occupier might be by law required to do if such walls or fences had never been so taken down or removed, or such drains or back ditches had always existed.

10. The Commissioner may, by and with the authority of the Lieutenant Governor in Council, for the purpose of connecting any city, town, village, manufactory or manufactories, mill or mills, or quarry, or quarries of stone or slate, or any well or spring, with the main line of the railway or with any branch thereof, or for the purpose of giving increased facilities to business, or for the purpose of transporting the products of any such manufactory, mill, quarry, well or spring, build, make and construct, and work and use, sidings or branch lines of railway not exceeding, in any one case, six miles in length.

11. No train shall be allowed to pass over any canal or over any navigable channel of any river without such proper flooring being first, under and on both sides of the railway track over such canal or channel, as shall be deemed by the Commissioner sufficient to prevent anything falling from the railway into such canal or river or upon the boats or vessels, craft or persons navigating such canal or river.

12. Land taken for the use of Her Majesty shall be laid off by metes and bounds; and when no proper deed or conveyance thereof to Her Majesty is made and executed by the person having the power to make such deed or conveyance, or when, for any other reason the Commissioner deems it advisable so to do, a plan and description of such land, signed by the Commissioner, or by the superintendent, or by an engineer of the department, or by a land surveyor duly licensed and sworn in and for the Province. shall be deposited of record in the office of the registrar of deeds for the registration division in which the land is situate, and such land, by such deposit shall thereupon become and remain vested in Her Majesty.

13. In case of any omission, misstatement or erroneous description in such plan or description, a corrected plan and description may be deposited with like effect.

14. Such plan and description may be deposited at any time, either before entry upon the land or within twelve months thereafter.

15. In all cases, when any such plan and description, purporting to be signed by the Commissioner, or by the superintendent, or by an engineer of the department, or by a land surveyor duly licensed as aforesaid, is deposited of record as aforesaid, the same shall be deemed and taken to have been deposited by the direction and authority of the Commissioner, and as indicating that in his judgment the land therein described is necessary for the purposes of the railway; and the said plan and de-

scription shall not be called in question except by the Commissioner or by some person acting for him, or for the Crown.

16. A copy of any such plan and description, certified by the registrar, or his deputy, to be a true copy thereof, shall, without proof of the official character or handwriting of such registrar or deputy, be deemed and taken in all courts as *primâ facie* evidence of the original, and of the depositing thereof:

(1.) A copy of any such plan and description, so certified by the registrar, or by his deputy, shall be *primâ facie* evidence of the original and of the depositing thereof, although such registrar or deputy, at the time the same is so offered in evidence, is dead, or has resigned, or has been removed from office.

17. Every contract or agreement made by any person authorized by this Act to convey land, and made before the deposit of the plans and description and before the setting out and ascertaining of the land required for the public work and duly registered, shall be binding at the price agreed upon for the same land, if it is afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land has, in the meantime, become the property of a third person; and possession of the land may be taken, and the agreement and price may be dealt with as if such price had been fixed by an award of arbitrators, as hereinafter provided; and the agreement shall be in the place of an award.

18. Whenever any gravel, stone, earth, sand or water is taken as aforesaid, at a distance from the railway, the Commissioner may lay down the necessary sideways, water pipes or conduits, or tracks over or through any land intervening between the railway and the land on which such material or water is found, whatever the distance is; and all the provisions of this Act, except such as relate to the filing of plans and descriptions, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situate; and such right may be acquired for a term of years, or permanently, as the Commissioner thinks proper; and the powers in this section contained may, at all times, be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the same.

19. Whenever for the purpose of procuring sufficient lands for railway stations or gravel pits, or for constructing, maintaining and using the railway, any land may be taken under the provisions of this Act, and by purchasing the whole of any lot or parcel of land, of which any part may be taken under the said provisions, the Commissioner can obtain the same at a more reasonable price, to greater advantage than by purchasing such part only as aforesaid, he may purchase, hold, use, or enjoy the whole of such lot or parcel, and also the right of way thereto, if the same is separated from the railway, and may sell and convey the same or any part thereof from time to time, as he deems expedient; but the compulsory provisions of this Act shall not apply to the taking of any portion of such lot or parcel which is not, in the opinion of the Commissioner, necessary for the purposes aforesaid.

20. The Commissioner may employ any person duly licensed or empowered to act as a surveyor for the Province, to make any survey, or establish any boundary, and furnish the plans and descriptions of any property acquired or to be acquired for the railway; and the boundaries of such properties may be permanently established by means of proper stone or iron monuments planted by the surveyor so employed by the Commissioner, and such boundaries of such property, provided they are so established, and such monuments of iron or stone are planted, after due notice thereof has been given in writing to the proprietors of the land thereby affected, and that a *procès verbal* or written description of such boundaries is approved and signed, in the presence of two witnesses, by such surveyor, on behalf of the commissioner, and by the other person concerned; or that in the case of the refusal of any person to approve or to sign the same, such refusal is recorded in such *procés-verbal* or description; and provided such boundary marks or monuments are planted in the presence of at least one witness, who shall sign the said *procés-verbal* or description; and provided also that it shall not be incumbent on the Commissioner or those

acting for him to have the boundaries established with the formalities in this section mentioned, but the same may be resorted to whenever he deems it necessary so to do.

21. All the foregoing powers are subject to the provisions of Chapter 20 of the Statutes of Canada, passed in the 39th year of Her Majesty's reign, relating to the great highways in this Province, and the provisions of the Consolidated Railway Act, 1879, relating to Provincial railways crossing navigable waters.

22. The Commissioner may enter upon and take possession of any lands required for the purposes of the said railway in the manner provided in this Act, and lands so taken possession of shall become public lands of the Province and shall thereupon be vested in the Crown for the use of this Province.

23. The Commissioner shall build such railway by tender and contract, after the plans and specifications therefor shall have been duly prepared, and he shall accept the tenders of such contractors as shall appear to him to be possessed of sufficient skill, experience and resources to carry on the work, or such portions thereof as they may contract for; provided always, that the Commissioner shall not be obliged to accept the lowest tender in case he should deem it for the public interest not to do so; provided, also, that no contract under this section shall be concluded by the Commissioner until sanctioned by the Lieutenant Governor in Council; and provided further that a sum equal to ten per cent. of the contract price, either in cash or an unconditional marked cheque, payable to the order of the Commissioner, accompany the tender, the same to be deposited to the credit of the Province in the Merchants' Bank of Canada, Winnipeg, to be repaid on completion of the contract upon the certificate of the chief engineer.

24. The contracts to be so entered into shall be guarded by such securities and contain such provisions for retaining a proportion of the contract moneys, to be held as a reserve fund, for such periods of time and on such conditions as may appear to be necessary for the protection of the public and for securing the due performance of the contract.

25. No money shall be paid to any contractor until the chief engineer shall have certified that the work, for or on account of which the same shall be claimed, shall have been duly executed, nor until such certificate has been approved of by the Commissioner.

26. The Lieutenant Governor in Council may, from time to time, appoint any person or persons to inspect the work done upon contracts entered into under the provisions of this Act, and any person or persons so appointed shall have power to inspect all contracts and to examine all accounts, estimates and works done under any such contract or contracts, and to examine into any proceedings of the Commissioner in relation thereto.

27. The Lieutenant Governor in Council shall fix the salaries and compensation to be paid to the chief engineer, the superintendent, and to all other employés and officers employed under the provisions of this Act.

28. All moneys that may be required for the purpose of this Act shall be paid by the Provincial Treasurer out of the moneys to be raised as hereinafter provided, on the requisition of the Commissioner and, the production of properly certified vouchers, in such a manner and at such times and in such sums as may be, from time to time, ordered by the Lieutenant Governor in Council.

29. As soon as the said railway or any portion thereof shall be completed, the Lieutenant Governor in Council shall make suitable arrangements for the working of the same.

30. For the purpose of constructing and equipping the said railway there shall be raised by loan a sum not exceeding one million dollars, bearing interest at a rate not exceeding five per centum per annum, upon the credit of the Province, and the consolidated revenue of the Province is hereby charged with the payment of the principal and interest thereof.

31. For the purpose of effecting the said loan, the Lieutenant Governor in Council may authorize debentures to issue for the amount of one million dollars, to be issued in such form as shall be settled by the Lieutenant Governor in Council, and

such debentures shall be made payable within fifty years from the date thereof, and for such sums as shall be most convenient, with coupons attached for interest, payable semi-annually during the period for which such debentures shall be issued. The said debentures may be payable either in currency or in sterling, and the said debentures and the interest thereon may be made payable at any place within the Dominion of Canada or in the United Kingdom of Great Britain and Ireland.

32. Separate accounts of the moneys raised under this Act shall be kept by the Provincial Treasurer and all sums required for the carrying out of the provisions of this Act shall be paid out of such moneys and not out of any other fund except when the Lieutenant Governor in Council may authorize the advance out of the consolidated revenue of the Province of such amounts as may be necessary to expend for the purpose aforesaid, before such loan can be raised; such advances to be repaid to the consolidated revenue out of the said loans.

COMPENSATION FOR LAND, DAMAGES, AND THE PAYMENT THEREOF.

33. Whenever the Commissioner or any person acting for him in that behalf fails to agree with any person or corporation as to the value to be paid for any lands taken or for the compensation as aforesaid, the Commissioner or the person acting for him may tender the reasonable value in his estimation of the same with the notice that if the offer is not accepted the question will be submitted to arbitration, and in case such person does not reside or such corporation has not its office on or near the property so required or used the notice of submission shall be published in the *Manitoba Gazette* and in a newspaper published in the eastern judicial district of this Province.

(1.) Every tender by the Commissioner shall be deemed legally made by any written authority for the payment of such sum given under the hand of the Commissioner or the person acting for him in that behalf and notified to the person having such claim.

34. The appointment of arbitrators and all proceedings in connection with such arbitration shall be made and had according to the provisions of the Railway Act of Manitoba respecting arbitrators and their appointment and duties.

35. The arbitrators shall consider the advantage as well as the disadvantage of the railway as respects the land or real property of any person or corporation through which it passes or to which it is contiguous or as regards any claims for compensation for damages caused thereby and the arbitrators shall in assessing the value of any land or property taken, or in estimating or awarding the amount of damages, take into consideration the advantages accrued or likely to accrue to such person or his estate, as well as the injury or damages occasioned by the construction of the railway.

36. The arbitrators in estimating and awarding the amount to be paid to any claimant for injury done to any land or property and in estimating amount to be paid for lands taken shall estimate or assess the value thereof at the time when the injury complained of was occasioned and not according to the value of the adjoining lands at the time of making their award.

37. The compensation money agreed upon or awarded by the arbitrators for any land or property acquired or taken by the Commissioner shall stand in the stead of such land or property; and any claim to, or incumbrance upon such land or property, shall, as respects the Commissioner, be converted into a claim to such compensation money or to a proportionate amount thereof, and shall be void as respects the land or property which shall by the fact of the taking possession thereof, or the filing of the plan and description as the case may be, become and be absolutely invested in Her Majesty, subject always to the determination of the compensation to be paid and to the payment thereof when such conveyance, agreement or award has been made.

38. A notice, in such form and for such time as the court appoints, shall be inserted by the prothonotary in a newspaper published in the eastern judicial district, which shall state that Her Majesty has acquired title under this Act, and shall call

upon all persons entitled to the land or to any part thereof, or representing or being the husbands of any persons so entitled or claiming to hold or represent incumbrances thereon or interests therein, to file their claims to the compensation money or any part thereof, and all such claims shall be received and adjudged upon by the court, and the said proceedings shall forever bar all claims to the compensation money or any part thereof, including any claim in respect of all mortgages or incumbrances upon the same, and the court shall make such order for the distribution, payment or investment of the compensation money and for the security of the rights of all the persons interested.

39. The costs of the proceedings or any part thereof shall be paid by the Commissioner or any other person, as the court orders, and if the order of distribution is obtained in less than six months from the payment of the compensation money into the court or to the prothonotary the court shall direct a proportionate part of the interest to be returned to the provincial treasurer, and if from any error, fault or neglect of the Commissioner it is not obtained until after six months have expired the court shall order the Commissioner to pay into the court or to the prothonotary the interest for such further period as is right

40. If the price or compensation money agreed for or awarded does not exceed one hundred dollars it may be paid to the person who, under this Act, can lawfully convey the lands or property, or agree for the compensation to be made in the case with the same effect as if it had been paid into court under this Act, saving always the rights of any other person to such compensation money as against the person receiving the same.

41. If any person entitled to any compensation as aforesaid is dissatisfied with the amount so paid by the Commissioner into the court or to the prothonotary of the court as aforesaid, the question of the amount of compensation may be referred to arbitrators, and the Commissioner may pay any amount of any awards thereon to the prothonotary of the court as the case may be, and the court shall make such order as to the same as if it had been paid in as compensation, as hereinbefore mentioned.

42. The compensation agreed upon between the parties or appraised and awarded shall be paid for such land, real property, streams, water and watercourses, timber, stone or other material to the owner or occupiers of such land or property, or to the persons suffering such damage as aforesaid, or into court as aforesaid, within six months after the amount of such compensation has been agreed on, appraised, or awarded.

43. If the party conveying such lands or property could not without this Act have conveyed the same or agreed to the compensation to be paid therefor, or any owner or party to whom the compensation money or any part thereof is payable, refuses to execute the proper conveyance or other instrument or the requisite instrument of transfer of the premises, or if the party entitled to claim the same cannot be found or is unknown to the Commissioner, or if the Commissioner has reason to fear any claim or incumbrance, or if for any other reason he deems it advisable, he may pay such compensation money or award, or if there has been no compensation money agreed upon, or award, such sum as might be in his opinion sufficient compensation for such lands or property into the office of the prothonotary of the Court of Queen's Bench, with interest thereon for six months, and deliver to the prothonotary a copy of the conveyance or of the agreement or award, or a certified copy of the plan or description.

POWERS OF ARBITRATORS, &C.

44. The provisions of the Railway Act of Manitoba relating to the powers and duties of arbitrators, and the proceedings by and before them shall apply to arbitrators appointed, and the proceedings by or before them under the provisions of this Act:

(1). The award of such arbitrators shall be of the same effect and be subject to appeal as provided in the said The Railway Act of Manitoba.

HIGHWAYS, BRIDGES AND FENCES.

45. The provisions of The Railway Act of Manitoba relating to highways, bridges and fences shall be applicable to the railway to be constructed under the provisions of this Act.

CATTLE CLAIMS.

46. If the cattle of any person, being at large are killed or injured by any train at a point of intersection, he shall not have any action or be entitled to compensation in respect of the same, unless the same are killed or injured through the negligence or wilfulness of some officer, or employé or servant of the department. The road shall be fenced on both sides sufficiently to keep cattle and horses off the line.

47. At every road and farm crossing on the grade of the railway, the crossing shall be sufficiently fenced on both sides so as to allow of the safe passage of trains.

48. Neither the department nor any officer, employé or servant thereof (except where the killing or injuring is negligent or wilful) shall be liable for any damage which may be done by any train or engine to cattle, horse or other animals on the railway:

1. Where they gain access to the railway from property other than that of the owner, or in which the owner has a right of pasturage;

2. Where they gain access to the railway through a gate of a farm or private crossing, the fastenings of which are in good order, unless such gate is left open by an employé of the department;

3. Where they gain access to the railway through or over a fence constructed in accordance with section forty-six.

WORKING THE RAILWBY.

49. There shall be provided and used in and upon trains run for the conveyance of passengers such known apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the engine-drivers of such trains while the trains are in motion, and good and sufficient means of applying by the power of the steam engine or otherwise at the will of the engine-driver or other person appointed to such duty, the brakes to the wheels of the locomotive or tender, or both, or of all or any of the cars or carriages composing the trains, and of disconnecting the locomotive, tender and cars or carriages from each other by any such power or means, and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages.

50. Every locomotive or railway engine, or train of cars, shall, before it crosses the track of any other railway on a level, be stopped for at least the space of one minute.

51. In all cases where a railway passes over any draw or swing bridge over a navigable river, canal or stream, which is subject to be open for the purposes of navigation, the trains shall in every case be stopped at least two minutes before crossing to ascertain from the bridge attendant that the said bridge is closed and in perfect order for passing.

52. An officer shall be stationed at each point on the line crossed on a level by any other railway, and no trains shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear.

53. No locomotive or railway engine shall pass through any portion of any city, town or village at a speed greater than six miles per hour, unless the track is properly fenced.

54. Whenever any train of cars is moving reversely in any city, town or village, there shall be stationed in the last car in the train a person who shall warn parties standing on or crossing the track of such railway, of the approach of such train.

55. Every servant of the department employed in a passenger train or at a station for passengers, shall wear upon his hat or cap a badge which shall indicate his

office; and he shall not, without such badge, be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office or to interfere with any passenger or his baggage or property.

56. The trains shall be started and run at regular hours to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other railways, and at usual stopping places established for receiving and discharging way passengers and goods from the trains.

57. Such passengers and goods shall be taken, transported and discharged at, from and to such places, on the due payment of the toll, freight or fare legally authorized therefor.

58. The department shall not be relieved from liability by any notice, condition or declaration, in case of any damage arising from any negligence, omission or default of any officer, employé or servant of the department; nor shall any officer, employé or servant be relieved from liability by any notice, condition or declaration, if the damage arise from his negligence or omission.

59. The baggage, freight, merchandise or lumber cars shall not be placed in rear of the passenger cars, and if any such be so placed, the officer or agent directing or knowingly suffering such arrangement, and the conductor of the train, shall be subject to the provisions of any Railway Act of the Dominion of Canada which declares such conduct a misdemeanor, and shall be punishable accordingly.

60. The department shall have a lien on all goods transported over the railway for the freight and charges thereon, as well as for any balance which may be previously due for freight or otherwise by the owner or consignee; and the said goods shall be liable to be sold by public auction for the payment of the charges thereon and other balance which may be due; and if the owner or owners, or his or their agent do not, within ten days after the arrival of the goods at the place of destination, pay the freight and other charges due thereon, or payable in respect thereof, and take possession of and remove such articles from the railway premises, the superintendent may sell or cause the same to be sold at public auction—after giving ten days' public notice of such sale by advertisement in a local newspaper inserted at least twice—to defray the railway claims and all expenses incurred thereon, and in the meantime the said goods shall be at the risk of the owners thereof; provided always, that goods of a fragile or perishable nature, animals and goods which might become of less value or deteriorate, may be sold under any order, rule or regulation in respect thereto made by the Lieutenant Governor in Council, notwithstanding the provisions of this section.

61. Every locomotive engine shall be furnished with a bell of at least thirty pounds' weight and with a steam whistle.

62. The bell shall be rung, or the whistle sounded, at the distance of at least eighty rods from every place where the railway crosses any highway, and be kept ringing or to be sounded at short intervals until the engine has crossed such highway; and the department shall be liable for all damages sustained by any person by reason of any neglect thereof; and one-half of such damages shall be chargeable to and be deducted from any salary due to the engineer having charge of such engine, and neglecting to sound the whistle or ring the bell as aforesaid, or shall be collected from such engineer.

63. Passengers are required to produce and deliver up their railway tickets to the conductor or other person in charge of the train, whenever requested so to do by such officer. Should they refuse to do this, or to pay the proper fare, they may be removed from the train,—the train being first stopped and no unnecessary force being used; provided always, that the place of removal is not more than half a mile distant from a station, or not more than half a mile distant from a dwelling-house, in sight of the place of removal and accessible therefrom.

64. Any person injured while on the platform of a car, any baggage, wood or freight car, in violation of the printed regulations posted up at the time in a con-

spicuous place inside of such passenger cars then in the train, shall have no claim for the injury, provided room inside of such passenger cars sufficient for the proper accommodation of the passengers was provided at the time.

65. No passenger shall be entitled to carry, or to require any officer, employé or servant of the department to carry upon the railway, aquafortis, oil of virtrol, gunpowder, dynamite, nitro-glycerine, or any other goods which might be of a dangerous nature, and if any person sends by the railway any such goods without, at the time of sending such goods, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the station master or other servant of the department with whom the same are left, he shall forfeit to the Crown the sum of five hundred dollars for every such offence.

66. Any officer, employé or servant of the department may refuse to take any package or parcel which he suspects to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact, and it shall not be lawful to carry any such goods of a dangerous nature except in cars specially designed for that purpose, on each side of each of which shall be plainly marked in large letters the words "dangerous explosives."

67. All thistles and other noxious weeds growing on the cleared land or ground adjoining the railway, and belonging to the railway, shall be cut down and kept constantly cut down or rooted out of the same.

TOLLS.

68. The Lieutenant Governor may, by Order in Council to be issued and published as hereinafter provided, impose and authorize the collection of tolls and dues by the said railway, and from time to time in like manner alter and change the said tolls and dues and declare such exemptions from time to time, and all such tolls and dues shall be payable in advance if so demanded by the collector thereof.

69. All such tolls and dues may be recovered with costs in any court having civil jurisdiction upon the suit of the collector or person appointed to receive the same in his own name or in the name of the Railway Commissioner for Manitoba.

70. All tolls, dues or other revenues imposed or collected from the said railway shall be paid by the persons receiving the same to the treasurer of the Province in such manner and at such intervals as may be appointed by the Railway Commissioner, but the said intervals shall in no case exceed one month.

RULES AND REGULATIONS.

71. The Lieutenant Governor in Council may, from time to time, make such rules and regulations as may be deemed necessary for the management, proper use and protection of said railway, station house, yards and other property in connection therewith, and for ascertaining and collecting tolls, dues and revenues thereon, and to be observed by conductors, engine drivers and other officers and servants of the department and by all companies and persons using the said railway and relating to the construction of the carriages or other vehicles to be used in the train on such railway.

72. The Lieutenant Governor in Council may, by such regulations, impose fines not exceeding in any one case four hundred dollars for any violation of any such fines or regulations as he may deem necessary for ensuring the observance of the same and the payment of the tolls and dues to be imposed as aforesaid, and may also by such regulations provide for the detention and seizure, at the risk of the owner, of any carriage, animal, timber or goods on which tolls or dues have accrued and have not been paid, or in respect of which any such rules or regulations have been violated or any injury has been done to the said railway, and not paid for, or for on account of which any fine has been and remains unpaid, and may provide for the sale thereof if such tolls, dues, damages or fines are not paid by the time fixed for the purpose and for the payment of such tolls, dues, damages or fine out of the proceeds of such sale

—the surplus, if any, to be returned to the owner or his agent—and for the retention out of the salary of any officer, employé or servant of the department of the amount of any forfeiture incurred by him for violation of any such rules or regulations, but no such provision shall impair the right of the Commissioner to recover such tolls, dues, fines or damages in the ordinary course of law, and any such tolls, dues, fines or damages may always be recovered under the foregoing provisions of this Act, and such rules and regulations shall be taken and read as part of this Act.

73. All proclamations, rules, regulations and Orders in Council made under the provisions of this Act shall be published in the *Manitoba Gazette*, and a copy of the *Manitoba Gazette* or of any volume, book or pamphlet purporting to have been printed by the Queen's Printer, and containing this Act or the Manitoba Railway Act or any extracts therefrom, any Order or Orders in Council, or rules, regulations or orders made as aforesaid, shall be *prima facie* evidence of such Acts or extracts from such Acts and of such rules, regulations and orders.

PROTECTION OF OFFICERS.

74. No action shall be brought against the Railway Commissioner or any officer, employé or servant of his department, for anything done by virtue of his office, service or employment, unless within three months after the act committed, and upon one month's previous notice thereof in writing, and the action shall be tried in the county court division or judicial district where the cause of action arose.

RAILWAY CONSTABLES.

75. The Lieutenant Governor in Council may appoint fit and proper persons to act as constables on and along such railway, and every person so appointed shall take the oath of allegiance and oath of office in the following form, that is to say:—

I, , having been appointed a constable to act upon and on the Railway, make oath and say that I will to the best of my power cause the peace to be kept, prevent all offences against the peace, and faithfully discharge my duty as such constable while I continue to hold office to the best of my skill, ability and knowledge, and according to law. So help me God.

(1.) Such oath or declaration may be administered by any Judge of the Queen's Bench or County Court or by any Justice of the Peace or by the Railway Commissioner of the Province, and every constable so appointed and who has taken such oath or made such declaration may act as a constable for the preservation of the peace and for the security of persons or property on such railway or any works belonging thereto, and on or about any trains, roads, wharves, quays, landing places, warehouses and lands and premises thereof in any place through which such railway passes or in which the same terminates, and in all places not more than one quarter of a mile distant from said railway or any of its branches, and shall have all the powers properly belonging to any constable or peace-officer under any law or statute in force in this Province:

(2.) The Lieutenant Governor in Council, the Railway Commissioner for Manitoba, or the Superintendent for the said railway appointed under this Act, may dismiss any such constable, and upon every such dismissal all powers, protections or privileges belonging to any such person by reason of such appointment shall wholly cease, and any person so dismissed shall not act as a constable along the line of such railway without the consent of the authority by which he was dismissed:

(3.) The Railway Commissioner shall within one week after the date of the appointment of any constable, cause to be recorded in the office of the Clerk of each Municipality through which the railway passes, the name of every such constable, and the date of his appointment, and upon the dismissal of any such constable, the date of such dismissal and the authority making the same, and such clerk shall keep a record of such appointments and dismissals in a book to be kept in his office and shall be open to public inspection free of charge.

76. Every such constable who is guilty of neglect or breach of duty in his office of constable shall be liable to summary conviction thereof before a Justice of the Peace having jurisdiction in any municipality through which the said railway passes, to a penalty of not more than fifty dollars, which may be deducted from any salary due to such offender, or levied by distress, if not paid forthwith upon conviction, or in default of payment or sufficient distress, to imprisonment in the common gaol of the district in which he may be convicted for a period not exceeding two months.

GENERAL PROVISIONS.

77. The Lieutenant Governor in Council may at any time cause a line or lines of electric telegraph or telephone to be constructed along the line of railway, to be used in connection with the said railway and the working thereof, and for that purpose may enter upon and occupy such lands as may be necessary, and the said electric telegraph and the apparatus and the operators shall be under the control and management of the Railway Commissioner for Manitoba.

78. The said railway and all lines of telegraph or telephone in connection therewith shall be subject to any Acts of this Legislature or of the Parliament of Canada relating to the carriage of Her Majesty's mail or Her Majesty's naval or military forces or Militia.

79. All lands, streams, water-courses or property acquired for the use of the said railway shall be vested in Her Majesty, and the same or any portion thereof that are not required for the purposes of the said railway may be sold or leased by the Commissioner, and the proceeds of all such sales and leases shall be accounted for as public money.

80. No deeds, contracts, documents or writings shall be deemed to be binding upon the Department unless signed or signed and sealed by the Commissioner, or unless signed or signed and sealed by some person specially authorized by him in writing for that purpose; provided always, that the granting or existence of such authority from the Commissioner to any person professing to act for him, shall not be called in question except by the Commissioner, or by some person acting for him or for the Crown.

81. All deeds and conveyances of land to the Commissioner for the purposes of this Act, in so far as circumstances will admit, may be in the form of Schedule "A" to this Act subjoined or in any other form to the like effect, and, for the purpose of the due registration of the same, all registrars in their respective divisions and the Registrar-General, under the provisions of the Real Property Act of 1885, and amendments thereto, are required to register such deeds and conveyances upon production thereof with an affidavit of the due execution thereof, and the registrars shall receive on any deed set forth in the form of the said Schedule "A" for the registration thereof and for a certificate of the same, one dollar and no more, and such registration shall be deemed to be valid in law, any statute or provision of law to the contrary notwithstanding.

82. The Commissioner or any officer of the Department whose duty it is to investigate or pay, or certify for payment any claim, may require any account sent in by any contractor or any person in the employ of the Department, or any claim for damages, to be attested on oath, which oath, as well as that to be taken by any witness, the Commissioner, his deputy or such officer may administer.

83. The Commissioner may send for and examine, on oath, all such persons as he deems necessary, touching any matter upon which his action is required, and may cause such persons to bring with them such papers, plans, books, documents and things that it may be necessary to examine with reference to such matter, and may pay such person a reasonable compensation for their time and disbursements; and such persons shall attend to the summons of the Commissioner after due notice, under the penalty of twenty dollars in each case.

84. The Commissioner, or any person acting for him, in investigating or making enquiry into any accident upon the railway, or relating to the management of the

railway, may examine witnesses under oath; and for that purpose shall have full power to administer such oath.

85. The Commissioner shall make and submit to the Lieutenant-Governor an annual report of the said railway to be laid before the Legislature within two weeks from the commencement of each session, showing the state of such railway, the amounts received and expended in respect thereof, and state any further information as may be requisite.

86. The Commissioner, in all cases, or when any public work, under his control, is being carried out by contract, shall take all reasonable care that good and sufficient security be given to and in the name of Her Majesty for the due performance of the work, within the amount and time specified for its completion; and also, in all cases where it seems to the Commissioner not to be expedient to let such work to the lowest bidder, it shall be his duty to report the same, and obtain the authority of the Lieutenant Governor previous to passing by such lowest tender; but no sum of money shall be paid to the contractor on any contract, nor shall any work be commenced until the contract has been signed by all the parties therein named, and until the requisite security shall have been given.

87. Money due or payable by the Crown to any person, or out of which any payment by the Department is to be made on account of the provisions of this Act shall be subject to garnishee process as in ordinary cases, and such garnishee process shall be served upon the Auditor of the Province or his assistant in his office.

88. All actions, suits and other proceedings at law or in equity, for the enforcement of any contract, agreement or obligation in respect of any railway, building or property under the control of the Department, or in respect of the construction, maintenance, working or repair of the same, may be instituted in the name of Her Majesty's Attorney General for Manitoba.

89. All claims for indemnity for any damage or injury sustained by reason of the railway shall be made within six months next after the time of such proposed damage sustained, or if there be continuation of damage, then within six months next after the doing or committing such damage ceases, and not afterwards.

90. All fines and penalties imposed by this Act or in virtue of any order, rule or regulation made under the provisions of this Act, and for the recovery of which provision has not herein or in the said order, rule or regulation been specially made may be recovered upon information before any Police Magistrate having local jurisdiction, and where no special provision is made as to the application of such penalty one moiety shall belong to Her Majesty for the uses of the Province and the other moiety to the informer, unless he be an officer or servant or person in the employ of the Department of the Railway Commissioner, in which cases he shall be a competent witness and the whole penalty shall belong to Her Majesty for the uses of the Province. The Summary Convictions Act of the Dominion of Canada shall apply to proceedings for the recovery of penalties under this Act.

91. The provisions of the "Railway Act of Manitoba" shall be incorporated with and shall be deemed to be part of this Act, and shall apply to the said railway to be constructed under this Act, except in so far as the same may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood in such cases to include the clauses of the said Railway Act.

92. This Act shall come into force on the day it is assented to.

SCHEDULE "A."

Know all men by these presents that I (or we)
in consideration of
dollars, to me (or as the case may be) by the Railway Commissioner for Manitoba now paid, the receipt whereof is hereby acknowledged, do grant and surrender all that certain parcel of land situate (describe the land) the same having been selected by the Commissioner for the purposes of railway, to hold with the appurtenances thereof unto Her Majesty the Queen, her successors and assigns.

As witness my hand and seal (or our hands and seals), this day of
A.D. one thousand eight hundred and

Signed, sealed and delivered in presence of }

[SEAL.]

I, Charles Aldborough Sadlier, Esquire, Clerk of the Legislative Assembly and Custodian of the Statutes of the Province of Manitoba, certify the subjoined to be a true copy of the original enactment passed by the Legislative Assembly of Manitoba, in the First Session of the Sixth Legislature, held in the fiftieth year of Her Majesty's reign, and assented to, in the Queen's name, by His Honor the Lieutenant Governor on Wednesday, the first day of June, A.D. 1887.

Given under my hand and the seal of the Legislative Assembly of Manitoba, at Winnipeg, this tenth day of October, in the year of our Lord one thousand eight hundred and eighty-seven.

[L. S.]

C. A. SADLIER,

Clerk of the Legislative Assembly of Manitoba.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 4th January*, 1888.

The Committee of the Privy Council have had under consideration a despatch dated 12th October, 1887, from the Lieutenant Governor of the Province of Manitoba, transmitting a memorial to Her Most Excellent Majesty in Council, on the subject of the disallowance by the Government of Canada of certain Acts of the Provincial Legislature, authorizing the construction of a railway connecting the city of Winnipeg with the United States system of railways at the international boundary line, with the request that the same may be forwarded to the Secretary of State for the Colonies.

The Sub-Committee of Council, to whom the subject was referred by Your Excellency in Council, submit the accompanying observations on the said memorial.

The Committee of the Privy Council, concurring in the Report herewith, advise that Your Excellency be moved to forward a copy hereof to the Right Honorable the Secretary of State for the Colonies at the same time as Your Excellency is pleased to forward the memorial of the Executive Council of the Province of Manitoba.

All which is respectfully submitted for Your Excellency's approval.

JOHN J. McGEE,

Clerk, Privy Council.

Report of Sub-Committee.

The Sub-Committee, to whom was referred the petition of the Government of Manitoba to the Queen's Most Excellent Majesty in Council, on the subject of the disallowance by the Government of Canada of certain Acts of the Provincial Legislature, authorizing the construction of a railway connecting the city of Winnipeg with the United States system of railways at the international boundary line, submit the following observations on the subject of the said petition :—

Upon that part of the petition which recites the conditions under which the Province of Manitoba became a Province of the Dominion, it is not necessary to offer any remarks. The Sub-Committee submit that Manitoba occupies in the confederacy precisely the same position in respect of its legislative powers as other Provinces of the Dominion, those terms being determined by the ninety-second section of the British North America Act. It is sufficient, therefore, to refer to the general argument of the petition upon which it is sought to justify the complaint that the policy of the Government of Canada, in disallowing railway charters, is, in the first place, an act of bad faith, and, in the second, is calculated to impede the prosperity of the Province.

The speeches, extracts from which are given in the petition of the Government of Manitoba, delivered in Parliament when the contract for the construction of the Canadian Pacific Railway was under discussion, do not bear the significance that is attempted by the petitioners to be placed upon them. The country extending from the western boundary of Manitoba to the eastern boundary of British Columbia had no provincial organization, and was, with the exception of a few subjects which had by Act of the Canadian Parliament been delegated to the North-West Council, under the direct legislative control of that Parliament. It was competent, therefore, for the Parliament of Canada to embody in a contract for the construction of the railway any restrictions which might be deemed necessary, in so far as that territory was concerned. This right was subsequently recognized in the most formal manner by the Legislature of the Province of Manitoba, when, in the Act passed by that Legislature accepting and confirming the extension of the boundaries of the Province, the restrictive clause of the Canadian Pacific Railway contract was made applicable to the added territory of the Province. But the Parliament of Canada had no power then, as it has no power now, to limit or alter any right conferred upon a Province of the Dominion by the British North America Act. The legislative rights of Manitoba could not be, and were not intended to be, affected by the contract with the Canadian Pacific Railway Company; and it was to remove a misapprehension which had obtained to some extent in the public mind upon this point, that the statements which are quoted in the petition of the Manitoba Government were made at the time the contract was under discussion.

But as the Parliament of Canada could not restrict or alter any of the powers conferred upon a Province by the British North America Act, neither could it change the terms of that Act which relate to the power of disallowance. That power remained to be exercised in the interests of Canada, whether as respects the Province of Manitoba or any other Province of the Dominion. The petitioners admit that they acquiesced in the exercise of that power while the Canadian Pacific Railway was under construction, so as not to "impede the completion and rendering permanent of the Canadian Pacific Railway, the same being a national highway." This admission of the petitioners covers, in fact, the whole ground, and reduces the question to one of opinion as to whether it would be wise, in the interests of Canada, immediately on the completion of the railway, to abandon a policy for the protection of the Canadian Pacific Railway and the interests of Canadian commerce, which it is conceded was properly pursued while the road was under construction.

Before dealing with that question the sub-committee desire to refer to another argument used by the Government of Manitoba in their petition, based upon the ninety-second section of the British North America Act, defining the legislative powers of the Parliament of Canada and the Legislatures of the several Provinces of the Dominion respectively. By sub-clause ten of that clause control is given to the Provincial Legislatures over—

"Local works and undertakings other than such as are of the following classes:—

"(*a.*) Lines of steam and other ships, railways, canals, telegraphs, and other works and undertakings connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province;

"(*b.*) Lines of steamships between the Province or any British or foreign country;

"(*c.*) Such works as although situate within the Province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada, or for the advantage of two or more of the Provinces."

The Sub-Committe submit that the distinction between works purely local and those of general interest, embodied in the above clause, is a very obvious one, and may be made more clear by reference to the sub-clause of the ninety-first section of the British North America Act, which confers upon the Parliament of Canada exclusive jurisdiction in all matters affecting "the regulation of trade and commerce." To say that a Provincial Legislature shall not have power to legislate in respect of railways extending into another Province or into a foreign country would be mere

surplusage, for the reason that no powers can be conferred by any legislative body for the construction or working of railways beyond its own boundaries. It is clear, therefore, that the exception in sub-clause ten of the ninety-second section of the British North America Act, were designed to restrict the powers of the Legislatures to works of purely local concern, leaving to the exclusive control of the Parliament of Canada, railways which, although situated technically within the boundaries of a Province, are intended to become and being created with the express object of connecting with other railways beyond its limits, would thus become great arteries of interprovincial or international commerce.

Indeed this distinction has been expressly admitted by leading members of the Manitoba Government and Legislature. In a debate which took place in the Legislature, during the season of 1883, on the subject of railways leading towards the boundary, Mr. Norquay, then as now, Premier of the Province, said: —

"My friend contends that we can pass legislation chartering railways to the boundary line. I contend we cannot. In the B. N. A. Act, under the head of 'Exclusive powers of Local Legislatures,' we find telegraph, steamboat and railway lines, other than those connecting one Province with another or extending beyond the boundary of the Province. But my hon. friend says that I promised to re-enact the charter of the Emerson and North-Western. Now, the avowed object of the parties seeking the incorporation of that company was to build the line between the town of Emerson and several other towns in the Province of Manitoba. The incorporators never showed any intention of making a connection south of the boundary. He had sympathized with the people of Emerson—he believed they ought to get that charter—would assist them to get it—and would not go back on his word. But Emerson shall get its charter for the avowed object for which incorporation was sought. When interested parties say that they intend using the Bill in a manner to exceed the power which the Local Legislature could confer upon them—when this was said, those making the statements were responsible for the disallowance of that measure. The hon. member alluding again to the Provincial Rights cry, explained that he would be the last one to curtail any powers that belonged to us as a Province; but he would also refuse to delude the people of Manitoba by clap-trap railway legislation such as clearly exceeded our powers as a Province."

Mr. Wilson, then, as now, a member of the Government, said:

"He believed that it was against the spirit of the B. N. A. Act for a Provincial Legislature to start railways which were intended to connect with foreign lines."

Mr. Leacock, a prominent member of the Legislature, said:

"He believed that the plain meaning of the Act was that the Provinces should not have the power to charter lines to connect with foreign countries. Otherwise they might be able to frustrate the plans of the Federal authorities, as, for instance, in the case of military operations."

And Mr. Attorney-General Sutherland expressed his opinion, if possible, even more strongly, as follows:

"It was absurd to suppose that the Provinces were not to be allowed to charter railways connecting one Province with another, while at the same time they might charter railways to connect a Province with a foreign country."

Again, in 1886, a debate took place in the Manitoba Legislature on the subject of Provincial railway charters, and the powers of the Province in relation to them.

On that occasion Mr. Harrison, now Minister of Agriculture in the Manitoba Government, thus expressed himself:

"To charter railways to run from any one point to any other in the Province was a special power of the Legislature, but it was distinctly prohibited that lines could be chartered to join roads in other Provinces, or lines beyond the confines of the Province. He would ask if it was of such immense necessity to the traffic of the Province to build a line from Emerson to Portage la Prairie? He did not think so. It was in contemplation to connect the Emerson and North-Western with roads outside the Province. In doing that they were doing what was strictly prohibited by the British North America Act. If the line was designed as an interprovincial or

international road why did not the incorporators adopt the proper course open to them, and apply to the Dominion Parliament for a charter? (Hear, hear)."

During the same session of the Legislature, in March, 1886, a general debate took place on a motion of the leader of the Opposition, Mr. Greenway, "That an humble address be forwarded to His Excellency the Governor General in Council, praying that there be no interference with our rights as a Legislature in respect to railway legislation." In the course of the debate, Mr. Norquay, the Premier, dealt somewhat fully with the question, as follows:—

"Now, in the matter of being able to pass a charter to incorporate a company to operate within the limits of the Province of Manitoba, the authority of the Province in that respect has never been denied, as far as I know, by any individual on the floor of this House, but there has been a doubt as to whether the Legislature could charter a line to make connection with a line beyond the boundary of the Province. The House may charter to the boundary, and if, by any means, that line should make connection with others passing the Province, it is a Federal business to say whether that line shall proceed to operation or not. That has been the contention of members on the Government side of the House, and they have asserted by their legislation, time and again, the opinions which they entertained on this subject. I believe, and here re-affirm the belief that has been placed on our Statute-book, that we can charter within the old Province of Manitoba, local companies to operate a line from one point to another within the Province, but as for the connection with other lines, that remains for the Federal Government either to allow or to disallow. * * I will refer to another important point. Gentlemen will come to the House with charters and insist on having those charters just as they placed them before the House, and that no interference be made by the House with their particular desires in that respect, and when, after they had been informed that these Acts would be subject to disallowance, and when they have insisted on their passage as they presented them to this House, then they should not be chagrined at their consequences. It would appear that the desire of these individuals was that those Acts should be disallowed. Charters were presented to this House more for the purpose of creating excitement than for promoting any really good objects. * * * The hon. gentlemen opposite affirm that the Federal Government claim a right which they do not possess. I think that the constitution plainly lays down that they do possess the power of disallowance, although that power should be guarded. * * * In looking over the motions of the hon. gentlemen (Opposition) there is only one thing I would mention more and that is the reference to our rights as a Legislature. In this respect, while we are prepared to stand by our rights as a Legislature, I think that anybody who looks over the constitution will see that while we have the undoubted right to enact railway charters, and while we have the undoubted right to enact anything coming within the exclusive rights of Provincial Legislatures, the Privy Council have the right to advise His Excellency the Governor General to veto any Act that is inconsistent with the general interests of the Dominion of Canada."

Mr. Larivière, then Minister of Agriculture and now Provincial Treasurer, following Mr. Norquay, said:

"In the course of the debate I find that our friends of the Opposition make no distinction between the rights of this Province and the rights of the Dominion of Canada. I would like to ask if there is a gentleman on the other side of the House who will deny that the Dominion Government had not the right to disallow not only railway legislation, but any Act the House might choose to pass, just the same as the Privy Council in England had the right to disallow any Federal Act. Such veto power is provided in the constitution. All the Legislature can say is: We wish you not to interfere with our legislation by exercising what is your right. We hope you will not interfere with us, we know you have a right to impose your veto, but we do not wish you to do so, and hope you will see in your wisdom that it will not be done."

At the conclusion of the debate Mr. Greenway's motion was defeated by a vote of nineteen to eight, the Legislature thus endorsing the views expressed by Mr.

Norquay and others. Now the railway, the disallowance of the Act authorizing which is complained of in the petition to Her Majesty from the Government of Manitoba, is admittedly intended to connect with a foreign railway, and is therefore of the class referred to in the speeches, extracts from which are quoted above, as beyond the competency of the Provincial Legislature to authorize. The fourteenth clause of the said petition recites:

"That the Province of Manitoba is separated from the markets of Eastern Canada by a distance of from 1,200 to 1,400 miles, and the Province has only two outlets, namely, one north of the chain of lakes by way of the main line of the Canadian Pacific Railway, *via* Thunder Bay, and the other south of Lakes Superior and Huron by way of branches of the Canadian Pacific Railway to Gretna and Emerson and thence by the St. Paul, Minneapolis and Manitoba Railway, south and east, with which last mentioned railway the Canadian Pacific Railway is in close alliance, and consequently no relief can be expected therefrom.

So that the railway in question, if constructed, is to connect with a foreign railway with the express object of becoming an artery of international commerce, and is therefore within the evident meaning of the exception mentioned in sub-clause ten of clause ninety-two of the British North American Act.

It is quite clear, in the opinion of the Sub-Committee, that but for this international feature of the enterprise proposed to be created by an Act of the Legislature of Manitoba, such a railway, as a mere local work, would never be thought of. The district to be traversed by the proposed line is already well served by railways, there being two lines of railway from Winnipeg southward to the International Boundary on either side of the Red River, which is navigable during the summer months, while it is well known that there is not sufficient local traffic for one railway. It is between these two lines, which on their entire length do not average more than twelve miles apart, that it is proposed, in the interests of foreign railway corporations, to build another line. The Sub-Committee venture the opinion that under similar circumstances the Imperial Parliament would not entertain an application for a charter for a third line.

Under these circumstances the Sub-Committee submit that the manifest international character of the enterprise and the absence of all pretence of reason for it as a "local work or undertaking," fully justifies its being dealt with by the Government of Canada under the authority conferred by the nineteenth clause of the British North America Act, and in the interest of the whole Dominion.

It has already been pointed out that the policy of disallowance, in respect of Acts of the Legislature of Manitoba authorizing the construction of railways touching the international boundary and there connecting with the railways of the United States, was acquiesced in by the Manitoba Government while the Canadian Pacific Railway was being built, and in order to assure its completion as a great national highway; and that the only point of controversy, by the admission of the petitioners themselves, is as to whether the time has come for the abandonment of that policy. In order to arrive at a fair appreciation of this point, it is necessary to refer to the history of the Canadian Pacific Railway and to the efforts of the Canadian Government to secure its construction.

The building of a line of railway to connect the Pacific coast with the systems of railway in the Province of Ontario was one of the conditions of the Union of British Columbia with Canada. A contract was entered into with a company immediately after the Union, but that company was unable, although aided by most liberal subsidies in land and money, to enlist the co-operation of capitalists, and the contract was surrendered. A change of Ministry took place in 1873, and the new Administration, at the first session of Parliament after taking office, procured the passage of an Act providing still larger subsidies in money and lands to any company which would undertake the work of building this railway, and caused advertisements to be published in Great Britain and America inviting tenders under the terms of that Act. These efforts were unsuccessful, no offer having been made. In the meantime the Government proceeded with the work of construction, as a public work,

with the view of obtaining access to Winnipeg and thence to the North-West from Port Arthur, on Lake Superior, in summer, and by the American system of railways in winter But so fully was the fact recognized that in order to secure a Canadian Pacific Railway the territory tributary to it must be preserved from competitive lines, that Parliament declined to grant charters for such lines; and in a Bill introduced by the Government in the session of the Canadian Parliament of 1878 to promote the construction of colonization railways in Manitoba and the North-West Territories, it was provided that no such railway should be authorized running within forty miles of the line of the Canadian Pacific Railway. It will thus be seen how general was the conviction, and how fully it was acted upon, that if private capital was to be enlisted for the building of this railway, reasonable protection against competition must be assured to that capital.

In the autumn of 1878, as the result of a general election, another change of Ministry took place. The new Administration undertook the prosecution of the work of constructing the Canadian Pacific Railway with great earnestness; and as a result of its efforts, certain gentlemen, who afterwards became incorporated as the Canadian Pacific Railway Company, made a proposal to the Government for the construction of a railway from Port Arthur, on Lake Superior, through the Rocky Mountains, to the Pacific coast. Had that proposal been accepted there would have been less necessity for providing against competition on the part of United States railways; but it was felt that such a railway would not meet the requirements of the country; that it would leave all that portion of Canada west of Lake Superior separated for six months of the year from the thickly-settled Provinces in the east by a practically impassable barrier of over 600 miles of uninhabited country. To leave communication between the portions of Canada to the east and to the west respectively of Lake Superior dependent for one-half of the year upon the railway systems of a foreign country, with all the contingencies involved in such a dependence, would, on commercial grounds, have been folly, and on national grounds little short of madness. It was with a view of avoiding this, and of securing a transcontinental line of railway on Canadian territory, that the stipulation was included in the contract with the Canadian Pacific Railway Company that for twenty years, or in other words, for ten years after the term fixed for the completion of the railway, namely, 1891, "no line of railway shall be authorized by the Dominion Parliament to be constructed south of the Canadian Pacific Railway, from any point at or near the Canadian Pacific Railway, except such line as shall run south-west or to the westward of south-west, nor within fifteen miles of latitude 49." The object to be attained by this provision, and without which it could not be attained, namely, the construction of that section of the railway running north of Lake Superior, fully justified its inclusion in the contract; and the motive, namely, that reasonable time should be allowed for giving direction to the trade of the great west, so as to build up the commerce of the ports of eastern Canada, was, on commercial grounds, a most natural one.

It is argued that there is no binding legal obligation on the part of the Government of Canada to protect the Canadian Pacific Railway by the exercise of the power of disallowance in respect of railways chartered by the Legislature of Manitoba, and having their termini within the old boundaries of the Province. Without discussing that question, it is sufficient to repeat that the Government of Manitoba, in their petition to Her Majesty, admit that that power was properly exercised during the period of construction, in view of the terms of the contract with the Canadian Pacific Railway Company, and it may be inferred therefrom that the same acquiescence would have been yielded to it until the completion of the railway, had that completion been deferred until the period fixed in the contract, namely 1891. The company, by a display of great energy and at a greatly increased cost to its proprietors, completed the work of construction five years before the time fixed in the contract, thus giving to Canada the advantages of a through line of railway, on its own soil, at a much earlier period than the most sanguine among the promoters of the enterprise believed to be possible. The same energy which marked the construction of

the railway is being displayed in measures for the development of trade by it, from which Canada has already derived great, and in the near future must derive still greater, advantage. Under these circumstances, the undersigned submit that it would be only reasonable that the company should not be made to suffer because of the energy and increased expenditure they have contributed to give to Canada, in advance of the time stipulated in their contract, the advantages of this magnificent interoceanic highway; and that the same protection, which admittedly they were entitled to during the construction of the railway, should be extended to them at least for the period fixed in the contract for the completion of the railway, to enable them to carry on successfully the policy of traffic development which they are pursuing with so much success.

The Government of Manitoba quote, in their petition, a speech delivered by Sir Charles Tupper, then Minister of Railways, in the House of Commons in 1884, in which the belief was expressed that, by the more rapid completion of the railway, the early abandonment of the policy of disallowance might be possible. The undersigned, however, submit that this speech cannot be interpreted as, in any sense, an arrangement or implied contract with the Province of Manitoba. At that very time this question of disallowance was the subject of communication between the Government of Manitoba and that of the Dominion. The Legislature of Manitoba had sent three of its members, Messrs. Norquay, Murray and Miller, to confer with the Government of Canada on certain subjects, which were embraced in a memorandum submitted by them. Among the subjects included in this memorandum was the following:—

"4. The right of the Province to charter lines of railway from any one point to another within the Province, except so far as the same has been limited by its Legislature in the Extension Act of 1881."

The Committee of Council to whom this memorandum was referred, after conference with the delegates, reported; and upon this subject, after referring generally to the provisions in the charter of the Canadian Pacific Railway Company, continued as follows:—

"Whatever the provisions of the Canadian Pacific Railway Act are, the Province of Manitoba had in advance assented to in accepting an extension of her boundaries, and an increase of area about tenfold, under an Act which provided 'that the said increased limits and territory added to the Province of Manitoba shall be subject to all such provisions as may have been or shall hereafter be enacted respecting the Canadian Pacific Railway, and the lands to be granted in aid thereof.' Having accepted the increased area upon the above conditions, and knowing the long avowed policy of Parliament to prevent the legitimate trade of the country and the Canadian Pacific Railway being diverted to the United States, your Sub-Committee consider that no injustice will be done to the people of Manitoba by the exercise of such supervision by the Dominion Government over the railway charters sought from the Dominion Parliament, or passed by the Legislature of Manitoba, as will maintain this policy and the conditions of the Canadian Pacific Railway Act, until the expiry of the time named therein, or until the road is opened and trade established, when it is believed it may be repealed or modified without injustice, and with the consent of the contracting parties."

This statement was embodied in the Minute of Council which was forwarded to the Lieutenant Governor of Manitoba, for the information of his Government and of the Legislature of the Province. Large concessions were made to the Province as a result of the conference between the Provincial delegates and the Sub-Committee of the Privy Council, the terms of which were embodied in the same despatch; and on the 10th January, 1885, Mr. Norquay, Premier and Treasurer of the Province, in a letter on the subject of this despatch, said:—

"Although not authorized by the Legislature to accept any settlement, we are of opinion that the modifications suggested, leaving the other items of subsidy and concessions offered in the despatch of the 20th May last unchanged, would be favorably entertained by the Legislature."

They were so favorably entertained they were accepted by the Legislature and embodied in an Act of that Legislature, and this without any protest or remonstrance in respect of that part of the despatch quoted above which relates to the protection afforded by the exercise of the policy of disallowance to the Canadian Pacific Railway in its efforts to develop and direct the trade of the country served by it, for the benefit of Canada. Read in the light of the despatch to the Manitoba Government of the 20th May, 1884, the speech of Sir Charles Tupper, upon which the petitioners rely to justify their appeal against the policy of the Dominion Government, showed that not only was it contemplated that the road should be completed before that policy was abandoned, but that a reasonable opportunity should be afforded for the establishment and development of trade by it.

It is most important on commercial as well as national grounds that this policy should be continued for some time longer. The Canadian Pacific Railway has already attracted a considerable trade between China and Japan and the Atlantic markets of this continent. It has attracted attention as the most valuable highway, under British control, between the eastern and western possessions of the Empire. The Imperial authorities have become so impressed with its importance that they have agreed to grant a subsidy of £15,000 sterling per annum towards the establishment of a line of steamers on the Pacific Ocean to be run in connection with the Canadian Pacific Railway. In the struggle for this Pacific trade the railway has already become a most important factor, being regarded as in some respects the most important of the trans-continental lines. Its chief competitor, the Northern Pacific Railway Company of the United States, has been making great efforts to bear up against this new competition, and it is admitted that the efforts to strike the Canadian Pacific Railway in its centre, by an extenison of the Northern Pacific Railway system from the international boundary line to Winnipeg, is not with the object of affording competitive rates to the people of Manitoba, but to secure a weapon by which to control the competition for trans-continental traffic from the Pacific coast, now rapidly finding its way over the Canadian route, and thus retain it for United States railways. It would be a most suicidal policy on the part of Canada to assist a foreign railway corporation in obtaining that weapon, to be used, as it must be used, in hampering a trade from whose growth the business men of the country have so much to anticipate.

The Sub-Committee do not underestimate the importance of reasonably low rates of transportation for the Province of Manitoba and the great west; but they would point out that ample provision has been made in the contract with the Canadian Pacific Railway Company and by the action of the Government to secure this object. Under the contract the tariff of rates chargeable on merchandise and passengers is to be fixed by Order of the Governor General in Council, and to remain until the earnings of the road are sufficient to pay a dividend of 10 per cent. on the share capital of the company. But in order to afford greater protection against excessive charges, the tariff of rates has, with the concurrence of the Company, been established only from year to year, thus bringing it under the constant control of the Government. It is important to remark under these circumstances that no representations have ever been made to the Government of Canada that the rates, as thus approved from time to time, have been excessive, unreasonable or oppressive. Not one specific complaint has ever been laid before the Railway Committee of the Privy Council, the tribunal specially charged with such matters by law; while on the contrary the evidence furnished by the company has shown that its rates are not only reasonable, but that they are, in the main, unusually low, as compared with those of other lines on this continent worked under similar conditions.

The policy of the Government of Canada, so far from being directed to secure for the Canadian Pacific Railway a monopoly of the carrying trade within the boundaries of Manitoba, has been most generous in aiding in the construction of independent local lines of railway. There are at this moment upwards of 200 miles of independent local railway lines in the Province, not in any way controlled by the Canadian Pacific Railway, and built by the aid of liberal grants of land made by the

Dominion Government. There are in addition over 200 miles of railway south of the main line of the Canadian Pacific Railway, to which subsidies in land were granted when they were in the hands of an independent company. That company was unable to enlist private capital in the construction of its railway, and transferred it to the Canadian Pacific Railway Company, as a result of which the people of southern Manitoba have been afforded the advantage of railway communication, of which but for the liberal policy of the Government of Canada and of the Canadian Pacific Railway Company, they would have been probably for a long time deprived. And although the Canadian Pacific Railway controls the only line leading directly to the Great Lakes and to Eastern Canada, and the two lines southward to the International Boundary, its rates on traffic to and from the Province have, in the nature of things, always been largely affected, and must continue to be largely affected, by the competition of the United States railways.

The Sub-Committee submit that the statement in the petition that the policy of the Dominion Government in preventing the construction of railways to connect with the United States railway system at the International boundary is calculated to deter immigrants from settling in the Province and to prevent the investment of capital therein, is not justified by the facts. Other circumstances, entirely unconnected with this question, have, to a limited extent, produced these results, chief among which is the wild speculation so general in the Province between the years 1881 and 1883, caused by the immense expenditure in the construction of the Canadian Pacific Railway among a small population, and the depression which necessarily followed the completion of the railway and the consequent cessation of expenditure. But in spite of these untoward events the progress of the Province has been on the whole, satisfactory. All experience shows that the early years of the settlement of new territories are always the most difficult; Dakota, during ten years, from 1860 to 1870, increased only about nine thousand in its population; Colorado, between five and six thousand during the same period; Montana, less than nine thousand between 1870 and 1880, and so with others of the States and Territories of the United States. The overflow into the new territories is always slow at first, until the attractive influence of the early settlement brings its natural result in the advent of old friends and neighbors. The progress of Manitoba, fairly rapid as it has been, has also suffered from other causes. The agitation by the so-called Farmers' Union, which, although representing only an insignificant minority of the people, was sufficiently influential to affect the immigration into the country; the Half-breed and Indian outbreak of 1885, although the seat of disturbance was several hundred miles away from Manitoba, was used by foreign rival immigration agencies to deter immigrants from set tling in the Province; and the violence of language indulged in by a portion of the people and press in connection with the controversey which forms the subject of the petition of the Manitoba Government to Her Majesty, the foolish threats of armed resistance to the law which, to those ignorant of local conditions, were apt to be mistaken for the general sentiment of the people; and the untruthful statements published by the associated press as to the intentions of the Government of Canada in relation to this controversy, have all had some influence in deterring the growth of population, which, under other circumstances, the splendid resources of the Province would have certainly attracted.

Measured by the condition of the settlers in other parts of the continent, those of Manitoba have every reason to be satisfied. Ten years ago there was not a line of railway in operation within the Province; now, as the result of the policy of the Government of Canada, largely as a result of that feature of the policy of the Government which forms the subject of complaint by the Government of Manitoba, there are over one thousand miles in operation, and two other railways are under construction. Along the line of the Canadian Pacific Railway the farmers of Manitoba and the North-West Territories have been paid higher average prices for their grain than at corresponding points along the line of the Northern Pacific Railway, a fact which must, the Sub-Committee submit, be accepted as the true test of the railway service in the two countries repectively. It is impossible that a policy which has pro-

duced these results can be properly stated as calculated to deter immigrants from settling in the Province, or to prevent the investment of capital therein. On the contrary, while the policy of the Government has been to afford the fullest development to the resources and industries of the Province, it has had in view to prevent the diversion of a large part of the traffic of the Province to a foreign country, by which the forces which have been most effective in building up the different industries of the Province and bringing settlers to it, would be seriously impaired.

The Sub-Committee deem it right, before concluding these remarks upon the petition of the Government of Manitoba to Her Majesty, to call attention to the great interest which the Canadian Pacific Railway Company has in the growth and prosperity of Manitoba and the North-West Territories. The Company are operating to-day, on their main line alone, the construction of which was the object of the contract entered into with the Canadian Government, 2,562 miles of railway, along the whole extent of which the population does not exceed two hundred and forty thousand. Between the eastern boundaries of Manitoba and the Rocky Mountains, a distance of 1,063 miles, it traverses the finest grain-producing and cattle-grazing country on the continent, and the development of its traffic and its dividend-producing power is contingent upon the growth and prosperity of these two great industries. The Company, moreover, own about sixteen millions of acres of land, in the settlement of which they have the greatest interest. It is inconceivable, under these conditions, that a corporation which has so direct an interest in the prosperity of the country and in the settlement of a large immigration within its bounds, will adopt a policy calculated to retard that prosperity and that settlement.

The Sub-Committee, therefore, are unable to recommend that there should be an abandonment for the present of the policy of Canada, pursed by both political parties in the past, of preventing the trade of Manitoba and the great North-West from being diverted for the advantage of foreign railway corporations and foreign commerce and of protecting the great national interoceanic highway for a reasonable time to permit permanent direction to be given to the traffic of the country. Canada has made great sacrifices to secure the construction of the Canadian Pacific Railway. Upwards of seventy-one millions of dollars and over eighteen millions of acres of land have been voted by Parliament for that purpose. These generous subsidies have been voted under the conviction that the older Provinces of the Dominion would be greatly benefited by the increased trade which would flow down upon them as the result of the development of those portions of the Dominion lying west of Lake Superior; and the unwillingness to forego these advantages, by permitting this great western trade to be diverted to United States railways for the advantage of the commerce of a foreign country, found its expression at the last Session of Parliament in the emphatic vote of the House of Commons, in which every Province is represented, and which had just come from a general election at which the question formed one of the leading subjects of discussion. That vote, the Sub-Committee submit, must be regarded not only as an endorsement of the policy of the Canadian Government in the past, but as a mandate to the Government to continue that policy in the future. Under all these circumstances the Sub-Committee believe that the wisdom and constitutional propriety of the policy pursued on this subject will be fully recognized by Her Majesty's Government, to which the Government of Manitoba in their petition appeal.

All of which is respectfully submitted.

(Signed) THOS. WHITE,
Minister of the Interior.

J. S. D. THOMPSON,
Minister of Justice.

Sir Henry Holland to the Governor General.

(*Telegram.*)

LONDON, 16th February, 1888.

Referring to your despatch 4th January, propose to refer to Privy Council petition from Manitoba and report of Committee and Sub-Committee Privy Council of Canada. Are any more papers coming?

(Signed) HOLLAND.

Report of the Honorable the Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 5th March, 1888.

The undersigned has the honor to make the following observations on the proposal to refer to the Judicial Committee of the Privy Council the Memorial of the Executive Council of Manitoba to Her Majesty in Council on the subject of the disallowance of Provincial Statutes and the reports thereon of the Sub-Committee and Committee of the Privy Council of Canada, of which proposal intimation was given by the Right Honorable the Secretary of State for the Colonies to Your Excellency by telegram dated the 16th day of February instant.

In the opinion of the undersigned no sufficient reason exists for such reference.

The Memorial raised no question of law on which the opinion of the Judicial Committee can be asked. It embodies a remonstrance against what the Executive Council seemed to consider an arbitrary exercise of the power of disallowance which is vested in Your Excellency, and made no other suggestion of any legal question than is expressed in the following general statement:—

"Our people feel that in being deprived of their undoubted rights under the British North America Act, they have not the full freedom of British subjects."

In this allusion to the deprivation of "rights under the British North America Act," it is apparent from the Memorial that the Executive Council had reference to the rights conferred by that Act on the Provincial Legislatures to make enactments to authorize the construction of such works as the Red River Valley Railway. The power which the British North America Act confers on the Legislatures of the respective Provinces to pass statutes relating to any matter is, however, expressly made subject by that Act to the power of disallowance by Your Excellency, and the Memorial nowhere states and the Executive Council of Manitoba have never urged or suggested that disallowance has been exercised in any instance beyond the power vested in Your Excellency by the British North America Act.

Sections 56 and 90 of that Statute clearly confer that power on Your Excellency, irrespective of any reasons which may induce its exercise or of any reasons which may be urged against its exercise.

In the reply which has been transmitted to the Memorial of the Executive Council of Manitoba, the sub-committee and committee of Your Excellency's Privy Council, it is true, indicated that doubts exist as to the right of the Legislature of Manitoba to pass the enactments relating to the Red River Valley Railway which were disallowed, inasmuch as that railway should not be regarded as a "local work and undertaking" within the meaning of section 92, sub-section 10 of the British North America Act; but the validity of the disallowance in no way rested upon the soundness of any of the reasons which may have induced it or which may have been put forward to justify it, and the undersigned thinks he may assume that it is upon the validity of the disallowance alone that it is proposed that the Judicial Committee of the Privy Council should be called on to pass an opinion. As to any question of policy in regard to disallowance the Judicial Committee has not satisfactory means of arriving at a decision and is not a tribunal to which resort can properly be had, or which Canada is bound to regard.

The validity of Your Excellency's veto in the cases complained of, the undersigned repeats, is not and never has been in dispute, and no question of such validity has ever been presented.

In addition to the fact that there appears to be no sufficient reason why the proposed reference should be made, the undersigned ventures to submit that grave reasons exist why such a course would be most inexpedient and unjustifiable.

One of these is that the reference has not been asked either by the Executive Council of Manitoba or by Your Excellency's advisers. The reference would therefore be made by Her Majesty's Government without the desire of either of the parties concerned in the controversy, and certainly without even the consent of one of the parties thereto.

There is no reason for supposing that the Executive Council of Manitoba would acquiesce in a decision by the Judicial Committee that the exercise of the veto was within Your Excellency's power. On the contrary it seems obvious at present that in case of such a decision the Executive Council would contend that no redress from a legal tribunal had been sought or expected by them and that the reference to the Judicial Committee had in no way disposed of their application. On the other hand, if it were possible to imagine that the decision of the Judicial Committee could be adverse to Your Excellency's plain and uncontested right, no conclusion would be arrived at. There would be an extra-judicial expression of opinion on an abstract question by the Judicial Committee, pronounced in a proceeding in which there would have been no parties before the tribunal. If the decision were merely that the doubts which exist as to the Red River Valley Railway being a "local work or undertaking," are not well founded, there would still remain the ample justification for the exercise of disallowance that the enactments which were the subject of that exercise were against the general interests of Canada, and upon this point, if it were possible for the Judicial Committee to express an opinion adverse to the veto, the result would merely be a difference of opinion between Your Excellency's constitutional advisers and the Parliament of Canada on the one side and a body of gentlemen on the other, who, although wise and eminent, are charged with no powers or responsibility by the constitution, in relation to the matter under consideration. Even the private rights and interests involved must still await the ordinary course of justice in the tribunals by which the law is administered in this country.

If it can be supposed that the purpose intended by the reference was that Her Majesty's Government should be advised by the Judicial Committee with a view to further action, of an exceptional nature, being taken by the Government, or by any other authority, in the direction of imposing control on the exercise of the prerogatives which have been constitutionally entrusted to Your Excellency's hands, the undersigned submits that grave reasons exist for a remonstrance on the part of the Canadian Government which will leave no doubt on the minds of Her Majesty's Government as to the extent of the right of self-government which the Canadian people believe they possess. Her Majesty's Government has been furnished, it is true, with a full reply to the memorial of the Executive Council of Manitoba, but the presentation of that reply ought not to lead Her Majesty's advisers to suppose that any interference by Her Majesty's Government, or even by the Parliament of Great Britain, with Your Excellency's power and authority under the British North America Act, or with the distribution of legislative or executive powers made by that Act, would be regarded otherwise in Canada than as a dangerous interference with the constitution, to the maintenance of which the faith and honor of the Parliament of Great Britain are pledged, and on which all the relations between the respective Provinces and the Federal Government depend. Whatever difference of opinion may exist in Canada as to the merits of the complaint of the late Executive Council of Manitoba, any such interference would be regarded with feelings of alarm by all Canadians who desire that the union of the Provinces of British North America shall be preserved and that their connection with the British Empire shall continue to be regarded as the surest means of perpetuating the rights and liberties which they enjoy.

Your Excellency's advisers are responsible for the advice which they have given, or may hereafter give, as to the exercise of the powers and authority, so vested in you, to the Canadian Parliament and to the Canadian people and to no other body—Parliamentary, Executive or Judicial.

The result of the appeal to the Canadian Parliament has been already pointed out in the Report of the Sub-Committee of Council on the Manitoba memorial.

The undersigned would remind Your Excellency that the principles on which the power of disallowance as to Provincial Statutes may properly be exercised were well laid down and announced in the first year of the Confederation. On the 8th day of June, 1868, the Honorable Sir John A. Macdonald then, as now First Minister of Canada, and then also Minister of Justice, made a Report, in which he indicated that the grounds for disallowance might properly be;

1. That Acts were altogether illegal or unconstitutional;
2. That they were illegal or unconstitutional in part;
3. That in cases of concurrent jurisdiction they clashed with the legislation of the General Parliament;
4. That they affected the interests of the Dominion generally.

This Report was approved and adopted by the Governor General in Council on the 9th day of June, 1868, and was transmitted to the Right Honorable the Secretary of State for the Colonies and to the several Provincial Governments.

On 13th December, 1872, Mr. Henry Reeve, Registrar of Her Majesty's Privy Council, wrote, by direction of the Lord President, to Mr. Holland, in reply to a request to be informed whether the opinion of the Judicial Committee of the Privy Council could properly be obtained on the validity of a Statute of the Province of New Brunswick, thus:

"It appears to His Lordship that as the power of confirming or disallowing Provincial Acts is vested by the Statute in the Governor General of the Dominion of Canada, acting under the advice of his constitutional advisers, there is nothing in this case which gives to Her Majesty in Council any jurisdiction over this question, though it is conceivable that the effect and validity of this Act may, at some future time, be brought before Her Majesty, on an appeal from the Canadian Courts of Justice.

"This being the fact, His Lordship is of opinion that Her Majesty cannot with "propriety be advised to refer to a Committee of the Council in England a question "which Her Majesty in Council has at present no authority to determine, and on "which the opinion of the Privy Council would not be binding on the parties in the "Dominion of Canada.

The undersigned feels that this language, emanating from the Judicial Committee itself, amply justifies the contentions which he has ventured to make in regard to a reference on the subject of the Manitoba Statutes in question now.

Another reason which may be suggested against the course proposed is that such a reference is clearly unnecessary.

If any question exists as to the legal right or power of Your Excellency to disallow the Acts which have been disallowed, either the Executive Council of Manitoba, or any individual who feels aggrieved by the disallowance, may raise the question of such illegality in the courts of the Province of Manitoba, in a proceeding in which both parties to the controversy will have audience, and in which there is an ultimate appeal to the Judicial Committee of the Privy Council.

In fact, proceedings are now being carried on in the courts of Manitoba in which such questions may be raised and such appeal may be taken. Shortly after the Acts before referred to were disallowed legal measures were taken to prevent the Executive Council of Manitoba and their agents and contractors from proceeding with works for which the authority of the disallowed Acts was necessary. Application was made for injunctions or restraining orders, not only against such agents and contractors, but against members of the Executive Council as well.

The defendants were represented by counsel, who discussed at great length, first before the Chief Justice of the Province, and, in a second proceeding, before Mr. Justice Killam, of the Court of Queen's Bench of Manitoba, the rights of the appli-

cants to obtain such injunctions or restraining orders, and also the validity of the disallowance, and the effect of such disallowance on the Acts in question and on the works which had been undertaken before the exercise of such disallowance.

In both cases the judgments delivered declared that the Provincial Statutes had been completely annulled by the exercise of the power of disallowance, that the works which these statutes were intended to authorize could not legally be carried on and that the injunctions or restraining orders might be available to the applicants.

In the second proceeding, which was decided by Mr. Justice Killam it was held that members of the Executive Council, were properly made parties to the proceedings and could be enjoined, as well as their agents and contractors.

The suits in which these applications were heard were suits for prepetual injunctions. The decisions which have been arrived at are judgments in relation to interim injunctions or restraining orders, and these decisions appear to have been acquiesced in; but if the members of the Executive Council of Manitoba or their agents or contractors should at any time be advised that it is desirable that the opinion of the Judicial Committee of the Privy Council should be taken on any of the questions involved they may yet appeal from the final decisions and present their cases to the Judicial Committee and they can present them in a far more convenient and satisfactory form than that in which a reference by Her Majesty's Government would take.

Finally, as to the statements of the Executive Council of Manitoba, that the people of that Province have been, by the exercise of the power of disallowance, deprived of their undoubted rights under the British North America Act, it may be observed that that power is clearly applicable to Provincial Legislation which, although within the competence of a Provincial Legislature is opposed to the general interests of the Dominion. Legislation which is considered beyond that competence may, sometimes without serious public injury, be left to its operation, as the Judiciary can at any time declare it to be invalid. Of the question as to how far the interests of Canada may unjustly be affected by Provincial Legislation the Federal Executive must be the sole judge, as it is the sole guardian of those interests. It is manifest, therefore, that it cannot with accuracy or propriety be asserted that in pronouncing the veto upon Acts which were deemed to have an injurious tendency as regards the country at large, Your Excellency has deprived the people of Manitoba of any of their rights, even though such Acts may have been within the competence of the Legislature of that Province.

The undersigned recommends that Your Excellency express to the Right Honorable the Secretary of State for the Colonies the dissent of your Government from the proposal which is the subject of this Report, and that a copy of this Report, if approved, be transmitted to His Lordship, in order that he may be informed of the grounds on which the dissent is based.

All of which is respectfully submitted.

(Signed) JNO. S. D. THOMPSON,
Minister of Justice.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 10th March*, 1888.

The Committee have had before them a telegraphic despatch dated 16th February, 1888, from Sir Henry Holland to the Governor General intimating the proposal to refer to the Judicial Committee of the Privy Council the Memorial of the Executive Council of Manitoba to Her Majesty in Council on the subject of the disallowance of Provincial Statutes and the reports thereon of the Sub-Committee and Committee of the Privy Council for Canada.

The Minister of Justice to whom the cablegram was referred, is of opinion that no sufficient reason exists for such reference.

The Minister submits the following observations in support of this view:—

The memorial raised no question of law on which the opinion of the Judicial Committee can be asked. It embodied a remonstrance against what the Executive Council seems to consider an arbitrary exercise of the power of disallowance which is vested in Your Excellency and made no other suggestion of any legal question than is comprised in the following general statement: "Our people feel that in being deprived of their undoubted rights under the British North America Act they have not the full freedom of British subjects."

In this allusion to the deprivation of "rights under the British North America Act," it is apparent from the memorial that the Executive Council had reference to the rights conferred by that Act on the Provincial Legislatures to make enactments of such works as the Red River Valley Railway. The power which the British North America Act confers on the Legislatures of the respective Provinces to pass Statutes relating to any matter is, however, expressly made subject by that Act to the power of disallowance by Your Excellency, and the Executive Council of Manitoba have never urged or suggested that disallowance has been exercised in any instance beyond the power vested in Your Excellency by the British North America Act.

Sections 56 and 90 of that Statute clearly confer that power on Your Excellency, irrespective of any reasons which may induce its exercise or of any reasons which may be urged against its exercise.

In the reply which has been transmitted to the memorial of the Executive Council of Manitoba, the Sub Committee and Committee of Your Excellency's Privy Council, it is true, indicated that doubts exist as to the right of the Legislature of Manitoba to pass the enactments relating to the Red River Valley Railway which were disallowed, inasmuch as that Railway should not be regarded as a "local work and undertaking" within the meaning of Section 92, sub-section 10, of the British North America Act; but the validity of the disallowance in no way rested upon the soundness of any of the reasons which may have induced it, or which may have been put forward to justify it, and he, the Minister, thinks he may assume that it is upon the validity of the disallowance alone that it is proposed that the Judicial Committee should be called on to pass an opinion. As to any question of policy in regard to disallowance, the Judicial Committee has not satisfactory means of arriving at a decision and is not a tribunal to which resort can properly be had, or which Canada is bound to regard.

The validity of Your Excellency's veto in the cases complained of, the Minister repeats, is not and never has been in dispute, and no question of such validity has ever been presented.

In addition to the fact that there appears to be no sufficient reason why the proposed reference should be made, the Minister ventures to submit that grave reasons exist why such a course would be most inexpedient and unjustifiable.

One of these is that the reference has not been asked either by the Executive Council of Manitoba or by Your Excellency's advisers. The reference would therefore be made by Her Majesty's Government without the desire of either of the parties concerned in the controversy, and certainly without the consent of one of the parties thereto.

There is no reason for supposing that the Executive Council of Manitoba would acquiesce in a decision by the Judicial Committee that the exercise of the veto was within Your Excellency's power. On the contrary, it seems obvious at present that in case of such a decision the Executive Council would contend that no redress from a legal tribunal had been sought or expected by them, and that the reference to the Judicial Committee had in no way disposed of their application.

On the other hand, if it were possible to imagine that the decision of the Judicial Committee could be adverse to Your Excellency's plain and uncontested right, no conclusion would be arrived at. There would be an extra-judicial expres-

sion of opinion on an abstract question, pronounced in a proceeding in which there would have been no parties before the tribunal. If the decision were merely that the doubts which exist as to the Red River Valley Railway being a "local work or undertaking," are not well founded, there would still remain the ample justification for the exercise of disallowance that the enactments which were the subject of that exercise were against the general interests of Canada, and upon this point, if it were possible for the Judicial Committee to express an opinion adverse to the veto, the result would merely be a difference of opinion between Your Excellency's constitutional advisers and the Parliament of Canada on the one side and a body of gentlemen on the other, who, although wise and eminent, are charged with no power or responsibility by the constitution, in relation to the matter under consideration. Even the private rights and interests involved must still await the ordinary course of justice in the tribunals by which the law is administered in this country.

If it can be supposed that the purpose intended by the reference was that Her Majesty's Government should be advised by the Judicial Committee with a view to further action, of an exceptional nature, being taken by that Government, or by any other authority, in the direction of imposing control on the exercise of the prerogatives which have been constitutionally entrusted to Your Excellency's hands, the Minister of Justice submits that grave reasons exist for a remonstrance on the part of the Canadian Government, which leave no doubt on the minds of Her Majesty's Government as to the extent of the right of self-government which the Canadian people belive they possess. Her Majesty's Government has been furnished, it is true, with a full reply to the memorial of the Executive Council of Manitoba, but the presentation of that reply ought not to lead Her Majesty's advisers to suppose that any interference by Her Majesty's Government, or even by the Parliament of Great Britain, with Your Excellency's power and authority under the British North America Act, or with the distribution of legislative or executive powers made by that Act, would be regarded otherwise in Canada than as a dangerous interference with the constitution, to the maintenance of which the faith and honor of the Parliament of Great Britain are pledged, and on which all the relations between the respective Provinces and the Federal Government depend. Whatever difference of opinion may exist in Canada as to the merits of the complaint of the Executive Council of Manitoba any such interference would be regarded with feelings of alarm by all Canadians who desire that the Union of the Provinces of British North America shall be preserved, and that their connection with the British Empire shall continue to be regarded as the surest means of perpetuating the rights and liberties which they enjoy.

Your Excellency's advisers are responsible for the advice which they have given, or may hereinafter give, as to the exercise of the power and authority so vested in you, to the Canadian Parliament and to the Canadian people, and to no other body—Parliamentary, Executive or Judicial.

The result of the appeal to the Canadian Parliament has been already pointed out in the Report of the Sub-Committee of Council on the Manitoba Memorial.

The Minister would remind Your Excellency that the principles on which the power of disallowance as to Provincial Statutes may properly be exercised were well laid down and announced in the first year of Conferation. On the 8th day of June, 1868, the Hon. Sir John A. Macdonald, then as now First Minister of Canada, and, then also Minister of Justice, made a Report, in which he indicated that the grounds for disallowance might properly be:

1. That Acts were altogether illegal or unconstitutional;
2. That they were illegal or unconstitutional in part;
3. That in cases of concurrent jurisdiction they clashed with the Legislation of the General Parliament;
4. That they affected the interests of the Dominion generally.

This Report was approved and adopted by the Governor General in Council on the 9th day of June, 1868, and was transmitted to the Right Hon. the Secretary of State for the Colonies, and to the several Provincial Governments. On the 13th December, 1872, Mr. Henry Reeve, Registrar of Her Majesty's Privy Council, wrote,

by direction of the Lord President, to Mr. Holland, in reply to a request to be informed whether the opinion of the Judicial Committee of the Privy Council could be properly obtained on the validity of a Statute of the Province of New Brunswick, thus:

"It appears to His Lordship that as the power of confirming or disallowing Provincial Acts is vested by the Statute in the Governor General of the Dominion of Canada, acting under the advice of his constitutional advisers, there is nothing in this case which gives to Her Majesty in Council any jurisdiction over this question, though it is conceivable that the effect and validity of this Act may, at some future time, be brought before Her Majesty, on an appeal from the Canadian courts of justice.

"This being the fact, His Lordship is of opinion that Her Majesty cannot with propriety be advised to refer to a Committee of the Council in England, a question which Her Majesty in Council has at present no authority to determine, and on which the opinion of the Privy Council would not be binding on the parties in the Dominion of Canada."

The Minister of Justice feels that this language, emanating from the Judicial Committee itself, amply justifies the contentions which he has ventured to make in regard to a reference on the subject of the Manitoba Statutes in question now.

Another reason which may be suggested against the course proposed is that such a reference is clearly unnecessary.

If any question exists as to the legal right or power of Your Excellency to disallow the Acts which have been disallowed, either the Executive Council of Manitoba or any individual who feels aggrieved by the disallowance, may raise the question of such illegality in the courts of the Province of Manitoba, in a proceeding in which both parties to the controversy will have audience, and in which there is an ultimate appeal to the Judicial Committee of the Privy Council.

In fact proceedings are now being carried on in the Courts of Manitoba in which such questions may be raised and such appeal may be taken. Shortly after the Acts before referred to were disallowed legal measures were taken to prevent the Executive Council of Manitoba and their agents and contractors from proceeding with works for which the authority of the disallowed Acts was necessary. Application was made for injunctions or restraining orders, not only against such agents and contractors, but against members of the Executive Council as well. The defendants were represented by counsel, who discussed at great length, first, before the Chief Justice of the Province, and, in a second proceeding, before Mr. Justice Killam, of the Court of Queen's Bench of Manitoba, the rights of the applicants to obtain such injunctions or restraining orders and also the validity of the disallowance, and the effect of such disallowance on the Acts in question, and on the works which had been undertaken before the exercise of such disallowance.

In both cases the judgments delivered declared that the Provincial Statutes had been completely annulled by the exercise of the power of disallowance, that the works which the Statutes were intended to authorize could not legally be carried on, and that the injunctions or restraining orders might be available to the applicants.

In the second proceeding, which was decided by Mr. Justice Killam, it was held that members of the Executive Council, were properly made parties to the proceedings, and could been joined as well as their agents and contractors.

The suits in which these applications were heard were suits for perpetual injunctions. The decisions which have been arrived at are judgments in relation to interim injunctions or restraining orders, and these decisions appear to have been acquiesced in; but, if the members of the Executive Council of Manitoba or their agents or contractors should at any time be advised that it is desirable that the opinion of the Judicial Committee of the Privy Council should be taken on any of the questions involved, they may yet appeal from the final decisions and present their cases to the Judicial Committee, and they can present them in a far more convenient and satisfactory form than that in which a reference by Her Majesty's Government would take.

Finally as to the statement of the Executive Council of Manitoba, that the people of Manitoba, that the people of that Province have been, by the exercise of the power of disallowance, deprived of their undoubted rights under the British North America Act, it may be observed that that power is clearly applicable to Provincial Legislation which, although within the competence of a Provincial Legislature, is opposed to the general interests of the Dominion. Legislation which is considered beyond that competence may, sometimes, without serious public injury, be left to its operation, as the judiciary can at any time declare it to be invalid. Of the question as to how far the interests of Canada may injuriously be affected by Provincial Legislation, the Federal Executive must be the sole judge, and it is the sole guardian of these interests. It is manifest, therefore, that it cannot with accuracy or propriety be asserted that in pronouncing the veto upon Acts which were deemed to have an injurious tendency as regards the country at large, Your Excellency has deprived the people of Manitoba of any of their rights, even though such Acts may have been within the competence of the Legislature of that Province.

The Minister recommends that Your Excellency express to the Right Honorable the Secretary of State for the Colonies the dissent of Your Government from the proposal to submit the Memorial of the Executive Council of Manitoba relative to the disallowance of Provincial Statutes to the Judicial Committee of the Privy Council.

The Committee concurring in the observations and recommendation of the Minister of Justice, advise that Your Excellency be moved to forward a copy hereof to Sir Henry Holland in answer to his cablegram of the 16th February, 1888.

All of which is respectfully submitted for Your Excellency's approval.

(Signed) JOHN J. McGEE,

Clerk, Privy Council.

BRITISH COLUMBIA---47TH VICTORIA, 1884.

2ND SESSION—4TH PARLIAMENT.

Mr. Stanhope to Officer Administering the Government of Canada.

DOWNING STREET, 21st August, 1886.

SIR,—With reference to my despatch No. 181 of the 5th instant, relating to an Act passed by the Legislature of British Columbia in 1884, intituled: "An Act to regulate the Chinese population of British Columbia," I have the honor to transmit to you for your information and for that of your Government a copy of a letter from the Privy Council Office with its enclosures on the subject.

I have, &c.,

(Signed) EDWARD STANHOPE,

The Officer Administering the Government of Canada.

Privy Council Office to Colonial Office.

WHITEHALL, 13th August, 1886.

SIR,—I am directed by the Lord President of the Council to inform you in reply to your letter of the 6th inst., relating to the treatment of Chinese subjects in British Columbia and requesting to know the present position of the appeal of Bull *versus* Wing Chong from the Supreme Court of that colony, that Her Majesty in Council was pleased to admit the Appellant, Bull (who represented the Attorney General of the colony), to enter and prosecute his appeal from a decree of Mr. Justice Crease, who held that the Chinese Regulation Act of 1884 was *ultra vires* the Legislative Assembly of the Province.

No steps were taken for the prosecution of this appeal and on the 2?nd July this department was informed that the Attorney General for British Columbia does not intend to proceed with the appeal.

In consequence of this intimation Her Majesty was advised by the Lords of the Judicial Committee to cancel and discharge the order of the 3rd of April, 1886, granting leave to appeal and Her Majesty was pleased on the 3rd of August to rescind that order accordingly. There is, therefore, no appeal from the decision of Mr. Justice Crease now in existence and it follows that the Chinese Regulation Act of 1884 is held to be *extra vires* the Legislative Assembly of the Province of British Columbia, and has not the force of Law.

I am, &c.,

(Signed) HENRY REEVE,

Registrar Privy Council.

Sir ROBERT G. W. HERBERT, K. C. B.,
&c., &c., &c.

P.S.—The papers which accompanied your letter of the 6th inst. are herewith returned.

I also enclose copies of the Order in Council of the 3rd April, 1886, admitting the appeal and of the Order in Council of the 3rd August, 1886, whereby the former order was cancelled and discharged.

Copy of Imperial Order in Council.

THE COURT AT WINDSOR CASTLE, THE 3RD DAY OF APRIL, 1886.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY:

Lord President, Lord Chamberlain,

Mr. Stansfeld.

Whereas there was this day read at the Board a Report from the Judicial Committe of the Privy Council dated the 20th of March, 1886, in the words following, viz.:—

"Your Majesty having been pleased, by your General Order in Council of the 18th November, 1885, to refer unto this Committee a humble petition in the matter of an appeal from the Supreme Court of British Columbia between William K. Bull, Appellant, and Wing Chong *alias* Chu Lay, Respondent, and likewise a humble petition of William K. Bull, of the city of Victoria, Province of British Columbia, setting forth that on the 18th day of February, 1884, the Legislature of the Province of British Columbia passed an Act intituled: 'An Act to regulate the Chinese Population of British Columbia,' the said Act hereinafter referred to as 'The Chinese Regution Act, 1884,' was not disallowed by the Governor General of Canada in Council and came into force on the 18th February, 1885. That on the 4th day of June, 1885, Edwin Johnson, one of Her Majesty's Justices of the Peace for the said Province and Police Magistrate of the city of Victoria, on the information of the petitioner, a Chinese collector duly appointed under the said Act, convicted one Wing Chong *alias* Chu Lay, the above named Respondent, for that he, the said Wing Chong *alias* Chu Lay, on the 21st day of May, 1885, at Victoria, in the said Province, being a Chinese within the meaning of the 'Chinese Regulation Act, 1884,' was found not having in his possession a license issued under the provisions of the said Act lawfully issued to him and fined the said Wing Chong *alias* Chu Lay for his said offence the sum of $20: That on the 3rd day of July, 1885, at the instance of the respondent, a writ of *certiorari* issued out of the Supreme Court of British Columbia commanding the said Edwin Johnson to return into the said Supreme Court of British Columbia all and singular the informations, examinations and depositions taken by the said Edwin Johnson in the said case against Wing Chong *alias* Chu Lay; that on the return of the said writ of *certiorari* the Honorable Mr. Justice Crease, one of the judges of the Supreme Court of British Columbia, quashed the conviction on the grounds, *inter alia*, that the said 'Chinese Regulation Act, 1884' was *ultra vires* the Legislative Assembly of British Columbia; the order quashing the said conviction was not drawn up or served by the Respondent until the 13th day of January, 1886; the petitioner is advised and verily believes that there is no appeal from the decision of the said the Honorable Mr. Justice Crease to the Supreme Court of British Columbia sitting as a full court; that although the amount of the fine imposed by the conviction is small, the question in issue is of great public importance, involving, as it does, the power of the Provincial Legislature under the 'British North America Act, 1867,' to discriminate in the imposition of direct taxation for purposes of Provincial revenue and police, the proceedings against the Respondent and this appeal have been undertaken by the Petitioner at the instance and by direction of the Government of the Province of British Columbia; that a transcript of all the proceedings in this matter has been transmitted to Your Majesty in Council and humbly praying that

Your Majesty in Council will be pleased to order that the Petitioner shall have special leave to appeal from the said order of the Honorable Mr. Justice Crease of the 21st August, 1885 which was drawn up and served by the Respondent on the 13th January, 1886 and that the said order may be reversed or for other relief in the premises.

"The Lords of the Committee, in obedience to Your Majesty's said general Order of Reference have taken the said humble petition for leave to appeal into consideration, and, having heard counsel on behalf of the Petitioner, their Lordships do this day agree humbly to report as their opinion to Your Majesty that leave ought to be granted to the said William K. Bull to enter and prosecute his said appeal from the order of Mr. Justice Crease of the Supreme Court of British Columbia of the 21st August, 1885, which was drawn up and served by the Respondent on the 13th January, 1886, upon depositing in the registry of the Privy Council the sum of £300 sterling as security for the costs of the Respondent in case the said appeal should be dismissed and their Lordships do further report to Your Majesty that the authenticated copies under the seal of the said court of the record, pleadings, proceedings and evidence in the said cause, which have been lodged in the registry of the Privy Council, should be used as the record of the proceedings in this appeal."

Her Majesty having taken the said report into consideration was pleased by and with the advice of Her Privy Council to approve thereof and to order as it is hereby ordered that the said William K. Bull be and he hereby is allowed to enter and prosecute his said appeal from the order of Mr. Justice Crease, of the Supreme Court of British Columbia, of the 21st August, 1885, which was drawn up and served by the Respondent on the 13th January, 1886, upon depositing in the Registry of the Privy Council the sum of £300 sterling as security for the costs of the Respondent in case the said appeal is dismissed, and Her Majesty is further pleased to order that the authenticated copies under the seal of the said court of the record, pleadings, proceedings and evidence in the said cause which have been lodged in the Registry of the Privy Council are to be used as the record of the proceedings in this appeal. Whereof the Lieutenant Governor or Commander in Chief of the Colony of British Columbia for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed) C. L. PEEL.

Copy of Imperial Order in Council.

THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT, the 3rd day of August, 1886.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY.

His Royal Highness The Prince of Wales.

His Royal Highness The Duke of Connaught and Strathern.

Lord Chancellor,	Mr. Secretary Childers,
Lord President,	Mr. Secretary Campbell-Bannerman.
Earl of Roseberry,	Mr. Chancellor of the Exchequer.
Earl of Kimberly,	Sir Ughtred Kay-Shuttleworth, Bart.

Whereas, there was this day read at the Board a Report from the Judicial Committee of the Privy Council, dated the 25th of July, 1886, in the words following, viz. —

"Your Majesty having been pleased by Your Order in Council of the 3rd April, 1886, to order upon a report of this Committee that one William K. Bull be allowed to enter and prosecute an Appeal to Your Majesty in Council from the order of Mr. Justice Crease of the Supreme Court of British Columbia of the 21st August, 1885,

which was drawn up and served on the Respondent, Wing Chong, on the 13th January, 1886. The Lords of the Committee having been informed that it is not the intention of the Appellant to prosecute this appeal, no security for costs having been lodged in pursuance of the terms of Your Majesty's Order in Council, do this day agree humbly to report to Your Majesty as their opinion that the Order in Council of Your Majesty of the 3rd April, 1886, granting such leave to appeal, ought to be cancelled and discharged."

Her Majesty having taken the said report into consideration was pleased by and with the advice of Her Privy Council, to approve thereof and to order as it is hereby ordered, that the Order in Council of the 3rd April, 1886, granting leave to appeal to William K. Bull from British Columbia be and the same is hereby cancelled and discharged. Whereof the Governor, Lieutenant Governor or Commander in Chief of the Colony of British Columbia for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

(Signed) C. L. PEEL.

Report of the Honorable the Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 11th September, 1886.

To His Excellency the Administrator of the Government in Council :

Upon the reference of the despatch of the 21st ultimo, from the Right Honorable the Principal Secretary of State for the Colonies to Your Excellency, transmitting copy of a letter from the Privy Council with its enclosures on the subject of the Act passed by the Legislature of British Columbia in 1884, intituled : "An Act to regulate the Chinese population of British Columbia," the undersigned has the honor to recommend that a copy of the Despatch and of its enclosures be transmitted to the Lieutenant Governor of British Columbia for his information.

(Signed), JNO. S. D. THOMPSON,

Minister of Justice.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Administrator of the Government in Council on the 17th September,* 1886.

The Committee of the Privy Council have had before them a despatch dated 21st August, 1886, from the Right Honorable the Secretary of State for the Colonies transmitting copy of a letter from the Privy Council Office, with its enclosures, on the subjects of the Act passed by the Legislature of British Columbia.

The Minister of Justice to whom the said Despatch was referred recommended that a copy of the Despatch and of its enclosures be transmitted to the Lieutenant Governor of British Columbia for his information.

The Committee submit the same for Your Excellency's approval.

(Signed) JOHN J. McGEE,

Clerk, Privy Council.

To The Hon. The Secretary of State,

Under Secretary of State to Lieutenant Governor.

DEPARTMENT SECRETARY STATE, OTTAWA, 30th September 1886.

SIR,—I have the honor at the instance of the Right Honorable the Secretary of State for the Colonies, to transmit to you, herewith, for the information of your Government, a copy of a despatch from the Colonial Office and its enclosures on the subject of the Act passed by the Legislature of your Province in 1884, intituled: "An Act to regulate the Chinese population of British Columbia."

I have, &c.,

(Signed) HENRY J. MORGAN,

Acting Under Secretary of State.

His Honor the Lieut.-Gov. of British Columbia,
Victoria, B. C.

Private Secretary of Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, VICTORIA, B.C, 16th October, 1886.

SIR,—I am directed by His Honor the Lieutenant Governor to acknowledge the receipt of your despatches of the 30th ult., enclosing copy of despatch from the Colonial Office, and its enclosures, on the subject of the Act passed by the Legislature of British Columbia in the year 1884, and intituled: "An Act to regulate the Chinese population of British Columbia," and beg to inform you that I have forwarded the same to the Executive Council.

I have, &c.,

(Signed) CHAS. A. VERNON,

Private Secretary.

The Hon. The Secretary of State,
Ottawa.

BRITISH COLUMBIA—48TH VICTORIA, 1885.

3RD SESSION—4TH PARLIAMENT.

Lieutenant Gouernor to Secretary of State.

GOVERNMENT HOUSE, VICTORIA, B. C., 21st January, 1885.

SIR,—I have the honor to forward certified copies of an Act intituled: "An Act relating to the appointment of Stipendiary Magistrates," together with the report of the Hon. the Attorney General thereon.

I have, &c.,

(Signed) CLEMENT F. CORNWALL,

Lieutenant Governor.

To The Hon. The Secretary of State,
Ottawa.

Report of Mr. Attorney General Davie.

ATTORNEY GENERAL'S OFFICE, VICTORIA, B. C., 14th January, 1885.

MAY IT PLEASE YOUR HONOR:—I have the honor to report that a Bill No. 21 (Chapter 27) intituled: "An Act relating to the appointment of Stipendiary Magistrates" was to-day passed by the Legislative Assembly. The object of the Bill is to remedy an inconvenience found to exist under the original Act of 1883, by permitting the oath of office of a Stipendiary Magistrate to be administered by any Justice of the Peace instead of by some Judge of the Supreme Court.

I have, &c.,

(Signed) ALEX. E. B. DAVIE,

Attorney General.

To His Honor The Lieut. Governor of British Columbia.

Secretary of State to Lieutenant Governor.

DEPARTMENT OF STATE, OTTAWA, 3rd February, 1885.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 21st instant, transmitting for the information of the Government, a certified copy of Act intituled: "An Act to amend 'An Act relating to the appointment of Stipendiary Magistrates,'" accompanied by a Report thereon of the Hon. the Attorney General of British Columbia, and to state that the matter will receive due consideration.

I have, &c.,

(Signed) G. POWELL,

Under Secretary of State.

His Honor The Lieutenant Governor of British Columbia,
Victoria, B. C.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, VICTORIA, B. C, 11th March, 1885.

SIR,—I have the honor to forward with the certified copies of the Acts passed at the recent Session, 1885, of the Legislative Assembly of this Province together with the Report of the Honorable the Attorney General thereupon.

I have, &c.,

(Signed) CLEMENT J. CORNWALL

Lieutenant Governor.

To the Honorable The Secretary of State.

Report of Mr. Attorney General Davie on Acts of 1885.

To His Honor The Lieutenant Governor of British Columbia.

MAY IT PLEASE YOUR HONOR:

I have the honor to report on the following Bills passed by the Legislative Assembly in the Session of 1885.

No. 1. An Act to amend "the Interpretation Act, 1872." This Bill amends the Interpretation Act, 1872, by declaring that the repeal of any Act or part of an Act shall not revive any Act or provision of law repealed by such Act or part of an Act, or prevent the effect of any saving clause therein.

No. 2. An Act to amend "An Act relating to the appointment of Stipendiary Magistrates. I have already had the honor of reporting on this Bill.

No. 3. An Act to consolidate the Public School Acts. In the main this Bill is but a consolidation of the many Acts relating to public schools, but in regard to city school districts some important amendments as to mode of election and tenure of office for trustees have been made. Trustees in city school districts hereafter will be elected by ballot and will hold office for two years (instead of one year, as under the present system). Provision is made in the Bill so that one trustee for each ward will annually retire.

No. 4. An Act to amend the Juror's Act, 1885. The working out of the jury system established in 1883 having been found inconvenient in outlying districts, owing to the scattered nature of the population, this Bill was introduced and passed; practically it confines the working of the new system to the Island and New Westminster Jury districts, and declares that as to the rest of the Province the old system shall be again in force—the sections relating to the payment of jurors are to be observed throughout the Province.

No. 5. An Act relating to Inn Keepers. This Bill is intended to give inn keepers a lien on the baggage and property of their guests for accommodation furnished, and a right, in case the account is not paid within 12 months, to sell the same by auction.

Provision is made that in the event of the inn-keeper posting certain specified notices in his hotel he may limit his liability to make good to any guest for loss of or injury to goods or property brought to his inn (not being a horse or other live animal, or any gear appertaining thereto, or any carriage), to a greater amount than the sum of fifty dollars, except in the following cases, that is to say:

(a.) Where such goods or property have been stolen, lost, or injured through the wilful act, default, or neglect of such innkeeper, or any servant in his employ.

(*b.*) Where such goods or property have been deposited expressly for safe custody with such innkeeper; provided always, that in case of such deposit it shall be lawful for such innkeeper, if he thinks fit, to require as a condition of his liability that such goods or property shall be deposited in a box or other receptacle, fastened and sealed by the person depositing the same.

No. 9. An Act to amend the Mechanics Lien Act, 1879.

This Bill repeals section 18 of the Act of 1874, and enacts that: Where there are several liens registered against the same property, such of them as are for wages for labor performed on the work shall have priority of claim over all others to the extent of one month's wages, and thereafter each class of the lien-holders, including the above, shall rank *pari passu* for and in proportion to their several liens. The proceeds at any sale under Act of 1879 shall be distributed amongst the several lien-holders in the same manner.

No. 10. An Act respecting the Jurisdiction and Procedure of County Courts. The object of this Bill is to embrace in one statute a code of procedure at length.

No. 11. An Act to amend the "Married Women's Property Act, 1873." This Bill amends the Act of 1873 so as to make the class of securities approved of for the investment of funds secured by a husband to his wife and children by an insurance on his life conform to the class of securities authorized by the Investment of Trust Funds Act passed in 1876.

No. 13. An Act to amend the "British Columbia Line Fences and Water courses Act, 1876." The Act of 1876 provided for the opening and construction of ditches, this Bill provides for the repairing and maintenance of the ditches when opened.

Power is given to the judge hearing the appeal "to amend any such award, either in substance or form, for the purpose of carrying out the object which the parties had in view in referring the question to the fence viewers."

No. 16. "An Act to provide for the disposal of penalties in certain cases."

This Bill enacts that of the fines or penalties recovered for any infraction of the provisions of the 17th Section of the "Chinese Regulation Act, 1884," or of the provisions of the "Grave-yard Act, 1884," one moiety shall go to the informer, and the other moiety shall form part of the Consolidated Revenue Fund.

No. 18. An Act to amend "the New Westminster City Lands Act, 1884."

This Bill was passed with a view to remove any doubts that might exist as to the grant to the city of New Westminster by the Legislature of certain lands owing to the description in the Act of 1884.

No. 20. An Act to incorporate the Esquimalt Water-Works Company. This Bill incorporates the Esquimalt Water-Works Company, and empowers the Company to construct and maintain Water-Works to supply the Town of Esquimalt, the Royal Naval Dock Yard, the Royal Naval Hospital, and the residents of the Peninsula bounded by Victoria Ann and Harbour, the Straits of Fuca and Esquimalt Harbor, and for the purpose thereof to take water from Thetis Lake, Deadman's River, and their tributaries, and to build flumes, aqueducts, lay pipes, erect dams, acquire lands, and do all other acts and things necessary for the purpose aforesaid.

No. 21. An Act to prevent the immigration of Chinese.

This is a Bill framed under the provision of section 95 of British North America Act, 1867," having for its object the prevention of the immigration of Chinese into this Province. This Bill re-enacts all the sections of the Act intituled: "An Act to prevent the immigration of Chinese," assented to by Your Honor on the 18th February, 1884, and disallowed by His Excellency the Governor General.

In order to make the Bill unobjectionable, the following clause was added:—

"Notwithstanding anything in this Act contained, it shall be lawful for the Provincial Secretary, upon proof to his satisfaction that any Chinese who, at any time within one year prior to the passing of this Act, had been a stated resident of the Province, but who at the time of such passage was temporarily absent, to issue a certificate to such Chinese, exempting him from the provisions of this Act."

No. 23. An Act to incorporate the Nanaimo Water Works Company, Limited.

This Bill incorporates the Nanaimo Water Works Company, Limited, as a Joint Stock Company and grants to company the right to take water from the Nanaimo River at or near a point known as Sharke's Falls, and to construct and maintain Water Works and lay a line of pipes from the said river to the city of Nanaimo and in and throughout the said city.

No. 27. An Act to extend the Game Protection Acts of British Columbia.

This Bill enacts that the Game Protection Act, 1878, shall apply to the whole of Vancouver Island and the Islands adjacent thereto, and to the Electoral District of New Westminster, and declares it "unlawful to shoot, trap, buy, sell, have in your possession, pheasants or Virginian quail" before the first day of September, 1887.

No. 28. An Act to amend "The Land Act, 1884."

Section 1 of Bill amends the "Land Act, 1884," by requiring only one month's notice of cancellation of reserve instead of three months.

Section 2 authorizes the sale of town, city or suburban lots at public auction upon reasonable and sufficient public notice.

Section 3 confirms certain sales heretofore made in the Cities of Victoria and New Westminster and the Town of Hastings.

No. 29. An Act to amend the Sumas Dyking Act, 1878. Under the Act of 1878 power is reserved to the Lieutenant Governor in Council to cancel the agreement therein entered into by the Government and E. L. Derby, in the event of failure by Derby to carry out the scheme, and authorizes the Lieutenant Governor in Council to transfer the contract to such other person as he shall think fit. This Bill confers the following additional powers on the Lieutenant Governor in Council:—

1st. To offer from time to time for sale, in accordance with the provisions of the "Land Act, 1884," 45,000 acres of the lands held at the passage of this Act by the Crown, in Townships to be benefited; Provided always, that the moneys derived

from the sale of the said lands shall be paid into the Treasury to the credit of an account to be called the "Chilliwhack and Sumas Dyking Fund."

2nd. It shall be lawful for the Lieutenant Governor in Council to award such contracts, construct such works, and to make such payments out of such funds as may be necessary, in his discretion, to secure the dyking and reclaiming of the said lands in Chilliwhack and Sumas.

This Bill does not relate to Matsqui and the Matsqui Dyke.

No. 6. An Act relating to the law of Coroners. The Coroners' Acts of 1879, 1881, 1882, 1883 and 1884 required a declaration from the Coroner before holding an inquest, that deceased came to his death under such circumstances as to require investigation. The new Act dispenses with this declaration, but otherwise is a consolidation of the above Acts.

No. 30. An Act to amend the Act relating to Ferries in Municipalities. By an Act passed in 1883 a license might be granted to two municipalities conjointly, with power to the municipalities to sub-let, but it was provided that no by-law of one of such municipalities with respect to such ferry should have force until an identical by-law had been passed by the other municipality. This Bill provides that in case the corporation cannot agree as to the terms of the by-law the matter may be referred to arbitration.

No. 34. An Act for the abolition of certain tolls. The effect of this Bill is that tolls shall not be collected on the Cariboo Road at or below Clinton and that the toll on goods from Clinton upwards in direction of Cariboo shall be reduced to half a cent per pound.

No. 35. An Act to amend the "Revenue Act, 1879." This Bill merely alters the office hours to be observed in the various Departments of the Provincial Civil Service.

No. 37. An Act to amend the "Chinese Regulation Act, 1884." This Bill repeals section 20 of the Act of 1884 and enacts that "no prosecution, conviction or commitment under this Act shall be invalid for want of form, so long as the same is according to the true meaning of this Act.

No. 39. An Act to authorize the appointment of a Commission of Enquiry concerning the genuineness of an alleged transfer dated 23rd June, 1884, from certain Indians to one I. M. Spinks. This Bill authorizes your Honor to issue a Commission to inquire into the genuineness of a certain document produced during the investigation by a Select Committee of the Assembly of claims to lands in the vicinity of Coal Harbor.

No. 17. An Act to amend the Municipality Act, 1881. The first section of this Bill provides for the indemnifying of Reeves and Councillors (other than of city municipalities) out of Municipal Funds in respect of their attendance at meetings of the Council.

The term of office of Councillors for City of Victoria is altered.

Amendments are made as to the rating of voters, as to the bylaws, as to extending certain Corporation property from seizure under *fi. fa.*

No. 26. An Act to declare and regulate the powers of the Judges of the Supreme Court of British Columbia relative to appeals.

This Bill provides for the hearing of appeals from interlocutory orders by a Divisional Court consisting of two judges. It also alters the times of holding of the sittings of the full court.

It is declared that the Judge whose decision is appealed from shall not sit on the hearing of the appeal, either in the Divisional or Full Court.

No. 31. An Act to amend the "Licenses Ordinances, 1877."

The object of this Bill is to enable the Superintendent of Police to grant licenses on the mainland to sell intoxicating liquor by retail, in localities, in the neighborhood of which regular licensing courts are not held.

Provision is made for the cancelling of any liquor license on the mainland, when it appears that premises are in proximity to an Indian Settlement.

No. 36. An Act to amend the "Constitution Act, 1871."

This Bill enacts that at the next general election Cowichan and New Westminster Districts shall each be entitled to an additional member.

No. 40. An Act to assimilate the laws relating to arrest and imprisonment.

Heretofore separate statutes governed the law relative to arrest and imprisonment for debt upon the mainland and Vancouver Island respectively.

This Bill now repeals the Island Statute and extends to the whole Province the provisions of the Mainland Ordinance of 1865.

No. 41. An Act relating to the New Westminster District Land Registry Office.

For the purpose of facilitating the establishment of the District Land Registry Office at New Westminster in 1884, the Deputy Registrar performed the duties of his office here at Victoria instead of New Westminster.

This Bill legalizes the acts so done.

This Bill also provides that the copies of records, &c., made here for transmission to the District Registrar shall be deemed true copies and admissible in evidence.

Bills of sale executed and affecting property within this Land Registry District will hereafter be registered in the District Office, and it shall not be necessary to file any copy elsewhere.

No. 42. An Act to fix the times for the holding of Courts of Assize and *Nisi Prius*, and of Oyer and Terminer and General Gaol Delivery.

This Bill alters the dates of some of the sittings of the Courts of Assize.

No. 43. An Act for granting certain sums of money for the public service of the Province of British Columbia.

This is the usual Supply Bill.

I have, &c.,

(Signed) ALEX. E. B. DAVIE,

Attorney General.

ATTORNEY GENERAL'S OFFICE, 9th March, 1885.

Report of the Hon. the Minister of Justice on Chapter 9.

DEPARTMENT OF JUSTICE, OTTAWA, 11th March, 1886.

To His Excellency the Governor General in Council:

With reference to the Act of the Legislative Assembly of British Columbia, 48th Victoria (1885), Chapter 9, intituled: "An Act to amend the Sumas Dyking Act, 1878," and a memorandum upon which prepared by the Minister of the Interior, which has been referred to the undersigned by Your Excellency in Council, the undersigned has the honor to report as follows:

The first section of the Act in question provided as follows:—

"1. When, and as soon as the Lieutenant Governor in Council shall have cancelled the agreement for the dyking and reclaiming of the lands in Chilliwack and Sumas as provided in the Sumas Dyking Act, 1878, and amending Acts, it shall be lawful for the Chief Commissioner of Lands and Works by notice in the British Columbia *Gazette* to offer, from time to time for sale in accordance with the provisions of the 'Land Act, 1884,' 45,000 acres of the lands held at the passage of this Act by the Crown, in Townships 16, 19, 20, 22, 23, 25, 26, 27, 29 and 30 of New Westminster District; Provided always, that the moneys derived from the sale of the said lands shall be paid into the Treasury to the credit of an account to be called the 'Chilliwack and Sumas Dyking Fund.'"

The Minister of the Interior in his memorandum points out that all the townships mentioned in this section are in the railway belt on the mainland of the Province, and claims that the public lands in them are now vested in the Dominion Government, and that the Act under consideration is therefore *ultra vires* of the Provincial Legislature.

The undersigned observes that the terms of the grant of the railway belt from the Provincial to the Dominion Government as finally settled are contained in the British Columbia Act, 47 Victoria, Chapter 14, section 2, upon reference to which it will be seen that the grant is of the public lands along the line of the railway, wherever it may be finally located to a width of twenty miles on each side of the said line, as provided in the Order in Council (section 11) admitting the Province of British Columbia into Confederation.

The undertaking of the Province contained in the 11th section of the Order in Council is as general in its terms, and is qualified, so far as the class of lands to be comprised in the grant is concerned only by the proviso that the quantity of land which may be held under pre-emption right or by Crown grant, within the limits of the tract of land in British Columbia to be so conveyed to the Dominion Government shall be made good to the Dominion from contiguous public lands.

It would appear, therefore, that the grant to the Dominion was of all public lands in the railway belt, and that "public lands" here means, in effect, all lands which had not at the date of the grant been alienated by Crown grant, or were not then under pre-emption right.

If this definition of "public lands" be accepted, it is clear that there is nothing in the "Sumas Dyking Act" or in its amendments, or in the reservation, by the Provincial Government of the vacant lands in the townships in question to take such vacant lands out of that category, and they passed to the Dominion Government with the other public lands in the Railway Belt, by virtue of the Act 47th Victoria, Chapter 14.

The undersigned is therefore disposed to agree with the conclusion arrived at by the Minister of the Interior that the Act of last Session, Chapter 9, is in conflict with the grant made to the Dominion Government by the Act 47th Victoria: and he recommends that the said Act, namely, "An Act to amend the Sumas Dyking Act 1878", be disallowed.

All of which is respectfully submitted.

(Signed) JNO. S. D. THOMPSON.

Minister of Justice.

DEPARTMENT OF THE INTERIOR, OTTAWA, 18th December, 1885.

Memorandum.

The undersigned begs to report that his attention has been called to the passage by the Legislature of the Province of British Columbia at its last Session, of an Act (Chapter 9, 1885) intituled: "An Act to amend the Samas Dyking Act, 1878" which purports to deal with lands lying within the Railway Belt, and which the undersigned is of the opinion were conveyed to the Dominion by the said Province by the settlement Act.

This Act of the British Columbia Legislature above alluded to authorizes the Chief Commissioner of Lands and Works to offer for sale from time to time in accordance with the Provincial Land Act, 1884, forty-five thousand acres of land in Townships 16, 19, 20, 21, 22, 23, 25, 26, 27, 29, and 30, New Westminster District, and directs the purchase money therefor to be paid into the Provincial Treasury to the credit of an account to be called the "Chilliwack and Sumas Dyking Fund."

Section 13 of the Sumas Dyking Act, 1878, provides that the dyking contractor, Mr. E. L. Derby, should, subject to the conditions of the Act, be entitled to receive in respect to the dyking to be effected by him 45,000 acres of land in the before mentioned townships, including in this acreage the lake known as Sumas Lake; and section 34 provides that in the event of the failure of Derby to carry out the conditions, agreements and stipulations in the said Act contained, it should be lawful for the Lieutenant Governor in Council to cancel the said several agreements and to give

as far as possible the like rights and privileges to some other person so that the lands mentioned or any part thereof might be dyked and reclaimed in manner provided by the Act.

The lands in the townships above mentioned were reserved for dyking purposes by the Provincial Government by notice in the Government Gazette of the 13th day of April, 1878, which reservation has never been revoked.

The whole of these lands lie within the Railway Belt, which was by Chapter 11 of 1880 of British Columbia, section one, conveyed to the Dominion for railway purposes, subject only to the conditions of the eleventh section of the terms of Union as to Pre-emption Rights.

By clause 3 of the Act of British Columbia of 1880, alluded to in the last preceding paragraph, it is provided that the rights of the public with respect to the common and Public Highways are not to be affected by that Act. These are the only rights reserved in the conveyance of the railway lands by this Statute, there is no exception or reservation of lands reserved by the Provincial Government for special or general purposes, and, therefore, the lands reserved for dyking purposes by the above mentioned notice, not being lands held by Crown grant or under pre-emption right within the meaning of the eleventh section of the terms of Union and not having been excepted in the statutory conveyance to the Dominion made by Chapter 11, 1880, nor by the subsequent conveyance, Chapter 14, 1883, known as the "Settlement Act," and Mr. E. L. Derby having failed to carry out the dyking contract (he having in fact, as the undersigned is informed and believes, relinquished the enterprise and left the Province of British Columbia long since) and the Provincial Government not having before the passage of the statutory conveyance of 1880 and 1883 exercised the powers reserved under section 34 of the "Dyking Act, 1878," of granting to any other person the like rights and privileges as were conceded to Derby, it is submitted that it may be justly contended that these last mentioned Acts of 1880 and 1883, or one of them, in effect cancelled the Derby agreement and revoked the powers reserved by said section 34, and that thereby these lands have passed to the Dominion for railway purposes, free from the dyking trusts.

And if such is not the effect of the statutory conveyances above quoted it may still be contended that under these statutory conveyances these lands have passed in fee to the Dominion as trustees for the purposes of the Dyking Act, and consequently that as trustees of the fee any grant to any contractor of any portion of the 45,000 acres to be selected out of the said reserved lands under the Dyking Act must be made by the Dominion Government or in case of any conversion of the trust estate, the Dominion Government, as the legal trustees of the corpus, and not the Provincial Government, would be entitled to hold for the contractor, the fund arising from such conversion, until such time as the contractor should have dyked the lands in accordance with the Act.

And if the Act in question is not legally objectionable on any of the above grounds it is submitted that it is still subject to disallowance on the ground that by its passage the Provincial Government have virtually admitted that all the Crown lands within the Dyking Reserve have passed to the Dominion except 45,000 acres. These 45,000 acres, must, therefore, be the whole undivided interest in this reserve that E. L. Derby would have been entitled to receive on completion of his contract, and as this undivided interest is stated in section 13 of the Dyking Act as including the unascertained area of Sumas Lake, the Act now under consideration should, to be in accord with the Dyking Act, have provided that the unascertained area of Sumas Lake should be included in and form part of the 45,000 acres purported to be authorized by this Act to be sold from time to time by the Commissioner of Lands and Works.

And finally the Act in question is *primâ facie* inconsistent and invalid, as it sets forth that on the 9th day of March, 1885, the date of its passing, these 45,000 acres were Crown Lands on that date, and if those lands were Crown Lands on that date, they were Crown Lands on the date of the passage of the Settlement Bill, and passed thereunder to the Dominion, no legislation or action of the Provincial

Government affecting these lands having been effected intermediately between those dates.

The undersigned begs to recommend that the papers in this case mentioned in the schedule here to be referred to the Honorable the Minister of Justice for report as to whether the Act of the Legislature of British Columbia, Chapter 9, 1885, intituled: "An Act to amend the Sumas Dyking Act, 1878," should not be disallowed.

Respectfully submitted.

(Signed) THOS. WHITE,
Minister of the Interior.

SCHEDULE *of papers to accompany Memorandum to Council with reference to the Act of the Legislature of British Columbia, Chapter* 9, 1885.

1. Sumas Dyking Act, 1878 (41 Victoria, Chapter 6).
2. Act amending Sumas Dyking Act, 1879 (42 Victoria, Chapter 15).
3. Act amending Sumas Dyking Act, 1885 (48 Victoria, Chapter 9).

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council approved by His Excellency the Governor General in Council on the 16th March,* 1886.

On a Report dated 11th March, 1886, from the Minister of Justice, with respect to the Act passed by the Legislature of the Province of British Columbia at its last session (1885), Chapter 9, intituled: "An Act to amend 'The Sumas Dyking Act, 1878,'" and a memorandum dated 18th December, 1885, from the Minister of the Interior upon said Act.

The Minister of Justice agrees with the conclusion arrived at by the Minister of the Interior that the said Act is in conflict with the grant made to the Dominion Government by the British Columbia Act, 47th Victoria, Chapter 14, he recommends that the above cited Act, namely, "An Act to amend 'The Sumas Dyking Act, 1878,'" be disallowed.

The Committee advise that the said Act be disallowed accordingly, and that a copy of the Report of the Minister of Justice and of the accompanying memorandum from the Minister of the Interior, be forwarded to the Lieutenant Governor of British Columbia for the information of his Government.

(Signed) JOHN J. McGEE.
Clerk, Privy Council.

Proclamation disallowing Chapter 9.

GOVERNMENT HOUSE, OTTAWA, Tuesday 16th day of March, 1886.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas the Lieutenant Governor of the Province of British Columbia with the Legislative Assembly of that Province passed an Act, Chapter 9, intituled: "An Act to amend the Sumas Dyking Act, 1878," in the 48th year of Her Majesty's Reign;

And whereas the said Act has been laid before the Governor General in Council together with a Report from the Minister of Justice recommending that the said Act should be disallowed;

His Excellency the Governor General has, thereupon, this day, been pleased, by and with the advice of the Queen's Privy Council for Canada to declare his disallowance of the said Act, and the same is disallowed accordingly.

Whereof the Lieutenant Governor of the Province of British Columbia and all other persons whom it may concern are to take notice and govern themselves accordingly.

(Signed) JOHN J. McGEE,
Clerk Privy Council.

I, Sir Henry Charles Keith Petty-Fitzmaurice, Marquis of Lansdowne, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of British Columbia in the 48th year of Her Majesty's reign, intituled: "An Act to amend the Sumas Dyking Act, 1878," was received by me on the 23rd day of March, 1885.

Given under my hand and seal the 16th day of March, 1886.

(Signed) LANSDOWNE.

Minister of Justice to Secretary of State.

DEPARTMENT OF JUSTICE, OTTAWA, 27th February, 1885.

DEAR MR. CHAPLEAU,—A Bill on Chinese Immigration is said to be before the Legislature of British Columbia, and I write to beg that you will cause a despatch to be sent to the Lieutenant Governor of that Province, requesting that he will send in the meantime to you a copy of the Bill as introduced, and that, should it pass, he will without delay send an authentic copy, in accordance with the provisions of the British North America Act, sections 56 and 90.

Yours faithfully,
(Signed) A. CAMPBELL.

The Hon. J. A. CHAPLEAU,
Secretary of State.

Secretary of State to Lieutenant Governor.

DEPARTMENT OF STATE, OTTAWA, 27th February, 1885.

SIR,—It having been represented to the Government that a Bill on Chinese Immigration has been introduced in the Legislature of the Province of British Columbia, I have the honor to request that, if such should be the case, a copy of the Bill, as introduced, may be forwarded to me by return of mail.

I have further to request, that in the event of the Bill passing the Legislature, you will at once cause an authentic copy of the same to be sent to me, in accordance with the provisions of the British North America Act, sections 56 and 90.

I have, &c.,
(Signed) J. A. CHAPLEAU,
Secretary of State.

His Honor
The Lieutenant Governor of British Columbia,
Victoria, B.C.

Private Secretary of Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, VICTORIA, B.C., 12th March, 1885.

SIR,—In the absence of the Lieutenant Governor I have the honor to forward a copy of the "Act to prevent the Immigration of Chinese" certified correct as passed Third Reading.

I have, &c.,
(Signed) R. G. TATLOW,
Private Secretary.

To the Hon. the Secretary of State,
Ottawa.

Legislative Assembly of British Columbia to Governor General.
(*Telegram.*)

VICTORIA, B.C., 3rd March, 1885.

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:—

We, the Legislative Assembly of the Province of British Columbia extremely regret this disallowance of the Act for prevention of the Emigration of Chinese passed at this last Session. The disallowance of the Act according to the correspondence did not proceed from a view of its being unconstitutional, but because the Act was regarded as inexpedient. We see nothing to change the carefully considered representations and opinions which have heretofore been expressed on the Chinese question, and which from time to time have been communicated to and urged upon the Dominion Government. Briefly they may be summed up as follows:—1. The Chinese are alien in settlement (*sic*) and habits. 2. They do not become settlers in any sense of that word. They have no intention of permanently settling in this country, but come for the purpose of trading and laboring in order to return to their native country with the means to pass the remainder of their days in ease. The Chinese population chiefly consists of male adults, and thus without the responsibility of providing for a family they come in unfair competition with white labor. They are the slaves or coolies of the Chinese race accustomed to live on the poorest fare and in the meanest manner, and hence their presence tends to the degradation of the white laboring classes. Their presence exerts a baneful influence in restricting the immigration of white labor, and especially in the class of house servants who will not be brought into contract with this race. They have a system of secret societies which encourages crime among themselves, and which prevents the administration of justice. The use of opium has extended throughout the Province to the demoralization of the native races, and the Chinese encourage the use of this drug amongst others of our own rising population, and we urgently request that some restrictive legislation be passed to prevent our Province from being completely over-run by Chinese.

(Signed) J. A. MARA,
Speaker.

Chinese Consolidated Benevolent Association to Secretary of State.
(*Telegram.*)

VICTORIA, B.C., 16th March, 1885.

To The Secretary of State.

A local Act has come in force intituled "An Act to prevent the Immigration of Chinese," and the Government are enforcing it. A number of Chinamen from Puget

Sound came over, and were not allowed to land, and had to return. The Chinese in these Provinces protest against it, and are for its disallowance.

(Signed)
CHINESE CONSOLIDATED BENEVOLENT ASSOCIATION.

Secretary of State to Chinese Consolidated Benevolent Association.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 17th March, 1885.

SIR,—I have the honor to acknowledge the receipt of your telegram of yesterday's date, of which the following is a copy:—"A local Act has come in force intituled 'An Act to prevent the Immigration of Chinese,' and the Government are enforcing it. A number of Chinese from Puget Sound came over, and were not allowed to land, and had to return. The Chinese in these Provinces protest against it, and ask for its disallowance. (Signed), Ch nese Consolidated Benevolent Association."

I am to state that the matter will receive due consideration.

I have, &c.,

(Signed) G. POWELL,
Under Secretary of State.

Chinese Consolidated Benevolent Association,
Victoria, B. C.

Secretary of State to Chinese Consolidated Benevolent Association.

(*Telegram.*)

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 18th March, 1885.

Chinese Consolidated Benevolent Association,
Victoria, B. C.

Attention of this Government has been called to British Columbia Chinese Act. Matter being attended to.

(Signed) J. A. CHAPLEAU.

Chinese Consolidated Benevolent Association to Secretary of State.

(*Telegram.*)

VICTORIA, B.C., 20th March, 1885.

Thirty Chinese arrived from China at San Francisco destined to Victoria. Owing the Provincial Act to prevent the immigration of Chinese, steamer afraid to bring them up—they cannot stay at San Francisco and will have to return unless Provincial Act disallowed at once; about one hundred more now at sea will soon arrive at San Francisco.

CHINESE CONSOLIDATED BENEVOLENT ASSOCIATION.

To the Secretary of State.

Under Secretary of State to Chinese Consolidated Benevolent Association.

(*Telegram.*)

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 21st March, 1885.

Your message of yesterday respecting arrival of Chinese duly received.

(Signed) G. POWELL,
Under Secretary of State.

Chinese Consolidated Benevolent Association, Victoria, B.C.

Secretary of State to Chinese Consolidated Benevolent Association.

(*Telegram.*)

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 21st March, 1885.

Government has not yet received official communication of Provincial Act concerning Chinese immigration. Will inform you of action taken as soon as Act is submitted to His Excellency for assent or disallowance. If Association wishes to communicate with this Government a responsible signature should be issued.

(Signed) J. A. CHAPLEAU.

Chinese Consolidated Benevolent Association,
Victoria, B.C.

Mr. Onderdonk to Minister of Justice.

(*Telegram.*)

PORTLAND, OREGON, 25th March, 1885.

Am waiting here for disallowance Chinese Act. Please telegraph me, Gilman House, soon as action taken.

(Signed) A. ONDERDONK.

Hon. Sir A. CAMPBELL, Minister of Justice.

Presidents Chinese Consolidated Benevolent Association to Secretary of State.

VICTORIA, B. C., 31st March, 1885.

SIR,—We have the honor to acknowledge the receipt of your communication of the 17th March, instant. In a telegram dated the 21st day of March, instant, you say that some responsible name must be given by the Chinese Consolidated Benevolent Association. I beg to inform you that we are the presidents of the above Association and in future should the association desire to confer with the Government of Canada relative to the Chinese Restrictive Bill, all communications will be signed by us as presidents and by Kum Soon and W. Cumyow, Secretaries of the Association.

We have, &c.,
LEE POON CHEE.
WANG SAY CHU,
Presidents.

To the Hon. the Secretary of State,
Ottawa, Canada.

Under Secretary of State to Presidents of Chinese Consolidated Benevolent Association.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 12th April, 1885.

SIRS,—I have the honor to acknowledge the receipt of your letter of the 31st ultimo, conveying the information that you are the presidents of the Chinese Consolidated Benevolent Association and that all communications relative to the Chinese Restrictive Bill should be signed by yourselves in your official capacity and by Messrs Kum Soon and W. Cumyow, Secretaries of the Association.

I have, &c.,

(Signed) G. POWELL,

Under Secretary of State.

Messrs. LEE POON CHEE & WANG SAY CHU, Presidents,
Chinese Consolidated Benevolent Association,
Victoria, B.C.

Under Secretary of State to Presidents Chinese Consolidated Benevolent Association.

DEPARTMENT OF STATE, OTTAWA, 21st April, 1885.

GENTLEMEN,—With reference to previous correspondence upon the subject of the passage of a Chinese restrictive Bill by the Legislature of the Province of British Columbia. I have the honor to inform you that His Excellency the Governor General has been advised to exercise his disallowance with respect to the said Bill, and that he has been pleased to exercise the power of disallowance accordingly.

I have, &c.,

(Signed) G. POWELL.

Under Secretary of State.

Messrs. LEE POON CHEE & WANG SAY CHU, Presidents,
Chinese Consolidated Benevolent Asssociation,
Victoria, B.C.

Secretaries of Chinese Consolidated Benevolent Association to Secretary of State.

VICTORIA, B. C. 23rd May, 1885.

SIR,—We beg most respectfully to bring to your notice the fact that the provisions of an Act passed by the Local Legislature on the 18th day of February, 1884, and known as the Chinese Regulation Act, 1884, are being enforced against Chinamen in this Province. For our countrymen we beg most strongly to protest against same, and trust that the Executive of the Dominion will see fit to disallow it. The Act came into force on the 18th day of February, 1885.

We have, &c.,

(Signed) W. CUMYOW,

(Signed) KUM SOON,

Secretaries Chinese Consolidated Benevolent Association.

To the Hon. the Secretary of State,
Ottawa.

Secretaries Chinese Benevolent Association to Secretary of State.

VICTORIA, B. C., 22nd May, 1886.

SIR,—We have the honor to acknowledge the receipt of your letter of the 21st ult., conveying to us the information that His Excellency the Governor General had been pleased to disallow the Chinese restrictive Bill.

We have, &c.,

(Signed) W. CUMYOW,

(Signed) KUM SOON,

Secretaries Chinese Consolidated Benevolent Association.

To the Hon. the Secretary of State,
Ottawa.

Under Secretary of State to Secretaries Chinese Consolidated Benevolent Association.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 3rd June, 1885.

GENTLEMEN,—I have the honor to acknowledge the receipt of your two letters of the 22nd and 23rd ult., the latter protesting against the enforcement of the Act of the Legislature of British Columbia, known as the "Chinese Regulation Act, 1884," and to state that the matter will receive consideration.

I have, &c.,

(Signed) G. POWELL,

Under Secretary of State.

Messrs. KUM SOON & CUMYOW, Secretaries,
Chinese Consolidated Benevolent Association,
Victoria, B. C.

Report of the Hon. the Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 26th March, 1885.

To His Excellency the Governor General in Council:

The undersigned has the honor to report upon an Act, Bill No. 21, Chapter 13, passed by the Legislature of British Columbia, intituled: "An Act to prevent the immigration of Chinese," which came into force on the 9th instant, and of which an authenticated copy was received by the Secretary of State on the 23rd instant.

This Act contains the same provisions as those contained in an Act of the same Legislature passed in the Session of 1884, chaptered 3, and intituled: "An Act to prevent the immigration of Chinese," which was disallowed by Order in Council of His Excellency on the 8th day of April last.

On the 3rd instant the Speaker of the British Columbia Assembly telegraphed His Excellency expressing the regret of the Legislature at the disallowance of the Chinese immigration Act of last Session, enlarging upon the evils attending the immigration of Chinese into the Province, and requesting that some restrictive legislation be passed to prevent the Province from being completely overrun by Chinese.

It is true that the Act of the Session of 1884 was not disallowed distinctly on the ground of its unconstitutionality, there being other grounds which were thought sufficient, and which rendered it unnecessary to express a definite opinion respecting the powers of the Legislature to pass the Act.

With respect to the request for restrictive legislation, that is a question which can be more conveniently answered when His Excellency in Council comes to consider what action is to be taken with respect to the Report of the Commission on Chinese Immigration.

The Act under consideration purports to be passed in the exercise of the power conferred upon the Legislature by the 95th Section of "The British North America Act, 1867," to make laws in relation to agriculture in the Province, so far as such laws are not repugnant to any Act of the Parliament of Canada upon the same subject.

The Act of 1884 was disallowed for the following reasons:—

1. That the power given by the 95th section of the "British North America Act" was a power to promote rather than prevent immigration.

2. That the Act was not one of a local or private nature but one involving Dominion and possibly Imperial interests.

3. That at least time should be given for the consideration of the Act and for correspondence with the Imperial authorities, which was not possible as the Act was brought into operation at once.

4. That the authority of the Legislature to pass the Act was at least doubtful.

By reference to a despatch from the Right Honorable the Principal Secretary of State for the Colonies to His Excellency under date 31st May last, it will be seen that there is no objection to the Act on account of any Imperial interests involved.

By the 1st section of the Act it is provided that it shall be unlawful for any Chinese to come into the Province of British Columbia or any part thereof, and that any Chinese who comes into British Columbia shall forfeit and pay the sum of fifty dollars, to be recovered in a summary way before a Justice of the Peace, and in default of payment the defendant shall suffer imprisonment with hard labor for any period not exceeding six months.

By the 3rd section a penalty of two hundred dollars and in default of payment imprisonment for any period not exceeding six months, is imposed upon any master of a ship, officer or other person who brings or assists in bringing any Chinese into British Columbia or who in any way assists any Chinese in coming into British Columbia.

The Act contains two sections which were not in the Act of 1884 and which are as follows:—

"7. Notwithstanding anything in this Act contained it shall be lawful for the Principal Secretary upon proof to his satisfaction that any Chinese who at any time within one year prior to the passing of this Act had been a stated resident of the Province but who at the time of such passage was temporarily absent, to issue a certificate to such Chinese exempting him from the provisions of this Act."

"8. It shall be lawful to impose a fee not exceeding five dollars for every certificate to be granted under the provisions of this Act which fee shall form part of the Provincial Revenue."

In his report to the Lieutenant Governor the Attorney General of British Columbia states that these sections were added to make the Bill unobjectionable.

While these provisions make the Act more favorable to Chinese who now have a residence in British Columbia they do not in any way remove the principal objection to the Act.

By "The British North America Act, 1867," (Sec. 91, sub-sec. 2,) it is provided that the exclusive legislative authority of the Parliament of Canada extends to the regulation of Trade and Commerce.

The corresponding section of the Constitution of the United States (Sec. 8, sub-sec. 3) provides that Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes.

In Story's Commentaries on the Constitution of the United States, Vol. 2, Sec. 1061, it is stated that "Commerce undoubtedly is traffic, but it is something more. It is intercourse. It describes the commercial intercourse between nations and parts of nations in all its branches; and is regulated by prescribing rules for carrying on that intercourse."

In Section 1064 it is laid down that "It may therefore be safely affirmed that the terms of the Constitution have at all times been understood to include a power over navigation, as well as trade, over intercourse, as well as traffic, and that in the practice of other countries and especially in our own there has been no diversity of judgment or opinion. During our whole colonial history this was acted upon by the British Parliament as an incontested doctrine. That Government regulated, not merely our traffic with foreign nations, but our navigation and intercourse as unquestioned functions of the power to regulate commerce."

In Section 1065 it is stated "This power the Constitution extends to commerce with foreign nations and among the several States, and with the Indian tribes. In regard to foreign nations it is universally admitted that the words comprehend every species of commercial intercourse. No sort of trade or intercourse can be carried on between this country and another to which they do not extend. Commerce as used in the Constitution is a unit, every part of which is indicated by the term."

This view is sustained by the decision of the Supreme Court of the United States in the Passenger cases—7 Howard's Supreme Court Reports, and by other decisions of that Court.

The undersigned being of opinion that the Act is an interference with the power of Parliament to regulate trade and commerce, and that it is a case in which the ordinary tribunals can afford no adequate remedy for or protection against the injuries which will result from allowing the Act to go into operation, feels himself obliged to recommend its disallowance.

The undersigned therefore recommends that the said Act, intituled: "An Act to prevent the immigration of Chinese," be disallowed.

All of which is respectfully submitted.

(Signed) A. CAMPBELL,
Minister of Justice.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 27th March,* 1885.

The Committee of the Privy Council have had under consideration a Report dated 26th March, 1885, from the Minister of Justice, in which it is recommended for the reasons therein set forth that the following Act, No. 21, passed by the Legislature of British Columbia, viz.: "An Act to prevent the immigration of Chinese (1885)," should be disallowed.

The Committee advise that the said Act be disallowed accordingly, and that a copy of this Report be forwarded to the Lieutenant Governor of British Columbia for the information of his Government.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

Deputy Minister of Justice to Under Secretary of State.

DEPARTMENT OF JUSTICE, OTTAWA, 30th March, 1885.

SIR,—I am directed by the Minister of Justice to say that he will be glad if, when you have received the Order in Council disallowing the Chinese Act, 1885, you will telegraph at once to the Lieutenant Governor.

I have, &c.,
(Signed) GEO. W. BURBIDGE,
Deputy Minister of Justice.

GRANT POWELL, Esq.,
Under Secretary of State.

Secretary of State to Lieutenant Governor.

Telegram.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 30th March, 1885.

British Columbia Act of 1885, intituled: "Act to prevent Immigration of Chinese," disallowed by Order in Council on twenty-eighth instant. Take necessary measures to prevent enforcement of Act. Document mailed.

(Signed) J. A. CHAPLEAU,

Secretary of State.

His Honor the Lieutenant Governor,
Victoria, B. C.

Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 31st March, 1885.

SIR,—I have the honor to transmit to you herewith for the information of your Government a copy of a Report of a Committee of the Honorable the Privy Council duly approved by His Excellency the Governor General covering a report of the Honorable the Minister of Justice, recommending for the reasons therein set forth that the Act No. 21 passed by the Legislature of British Columbia on the 9th day of March, 1885, and intituled: "An Act to prevent the Immigration of Chinese," be disallowed.

I also enclose an Order of His Excellency the Governor General declaring His Excellency's disallowance of the said Act to which is appended the certificate of His Excellency as to the date of receipt of the Act in question.

I have, &c.,

(Signed) J. A. CHAPLEAU,

Secretary of State.

His Honor
The Lieutenant Governor of British Columbia,
Victoria, B.C.

Report of the Honorable the Minister of Justice upon Chapter 13.

DEPARTMENT OF JUSTICE, OTTAWA, 11th March, 1886.

To His Excellency the Governor General in Council:

The undersigned has the honor to report upon Chapter 13, intituled: "An Act to prevent the Immigration of Chinese"

This Act is substantially the same as Chapter 3 of the Acts of the Legislature of the Province of British Columbia, passed on the 18th February, 1884, and intituled: "An Act to prevent the Immigration of Chinese," which Act was disallowed by Order in Council passed on the 8th April, 1884, upon the Report of the Minister of Justice, to which the undersigned begs leave to refer.

During the Session of 1885 the Parliament of Canada dwelt with this subject, and passed an Act restricting and regulating Chinese Immigration into Canada (48–49 Victoria, Chapter 7).

The undersigned is therefore of opinion that there are stronger reasons now for the disallowance of the Act of the Legislature of British Columbia passed in the year 1885 to prevent the Immigration of Chinese than there was for the disallowance of the Act passed for a similar purpose in the Session of the year 1884.

The undersigned respectfully recommends that the Act of the Legislature of the Province of British Columbia under consideration, Chapter 13, intituled: "An Act to prevent the Immigration of Chinese be disallowed."

(Signed) JNO. S. D. THOMPSON,
Minister of Justice.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 16th March,* 1886.

On a Report dated 11th March, 1886, from the Minister of Justice, with respect to the Act passed by the Legislature of the Province of British Columbia at its last Session (1885), Chapter 13, intituled: "An Act to prevent the immigration of Chinese."

The Minister states that this Act is substantially the same as Chapter 3 of the Acts of the Legislature of the Province of British Columbia, passed on the 18th February, 1884, and intituled: "An Act to prevent the Immigration of Chinese," which Act was disallowed by Order in Council passed on the 8th April, 1884, upon the Report of the Minister of Justice.

That during the Session of 1885 the Parliament of Canada dealt with this subject and passed an Act restricting and regulating Chinese Immigration into Canada (48–49 Vic., Chap. 71).

The Minister is therefore of opinion that these are stronger reasons now for the disallowance of the Act of the Legislature of British Columbia passed in the year 1885, to prevent the immigration of Chinese, than there were for the disallowance of the Act passed for a similar purpose in the Session of the year 1884, and he recommends that the Act of the Legislature of the Province of British Columbia, 1885, Chapter 13, intituled: "An Act to prevent the Immigration of Chinese," be disallowed.

The Committee advise that the said Act be disallowed accordingly, and that a copy of this Minute be forwarded to the Lieutenant Governor of British Columbia for the information of his Government.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

Proclamation disallowing Chapter 13.

GOVERNMENT HOUSE, OTTAWA, Tuesday, 16th day of March, 1886.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas the Lieutenant Governor of the Province of British Columbia with the Legislative Assembly of that Province, passed in the 48th year of Her Majesty's reign, an Act, Chapter 13, intituled: "An Act to prevent the Immigration of Chinese;"

And whereas the said Act has been laid before the Governor General in Council together with a Report from the Minister of Justice recommending that the said Act should be disallowed.

His Excellency the Governor General has, thereupon, this day, been pleased, by and with the advice of the Queen's Privy Council for Canada to declare His disallowance of the said Act, and the same is disallowed accordingly.

Whereof the Lieutenant Governor of the Province of British Columbia and all other persons whom it may concern are to take notice and govern themselves accordingly.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

I, Sir Henry Charles Keith Petty Fitzmaurice, Marquis of Lansdowne, Governor General of Canada, do hereby certify that the undermentioned Act passed by the Legislature of the Province of British Columbia in the 48th year of Her Majesty's reign, intituled: "An Act to prevent the Immigration of Chinese," was received by me on the 23rd day of March, 1885.

Given under my hand and seal this 16th day of March, 1886.

(Signed) LANSDOWNE.

Secretary Department of the Interior to Deputy Minister of Justice.

DEPARTMENT OF THE INTERIOR, OTTAWA, 17th November, 1885.

SIR,—I am directed by the Minister of the Interior to send you, for your information, the enclosed copy of a letter from the Hon. Joseph Trutch, Agent of the Government for British Columbia, and a copy of the Act of the Legislature of that Province to which he refers, 48th Victoria, Chapter 16.

I have, &c.,

(Signed) JOHN R. HALL,
Secretary.

The Deputy Minister of Justice.

Mr. Trutch to Minister of the Interior.

VICTORIA, B.C., 5th September, 1885.

SIR,—I have the honor to enclose herewith a copy of an Act passed at the last Session of the Legislature of this Province, Chapter 16, intituled: "An Act to amend the Land Act, 1884," and to submit for your consideration that the third and final section of this Act, which enacts that "All sales heretofore made of reserved lands, &c., &c., are declared to be valid," is open to very serious objection and should not be allowed to continue in force, because, whether this provision of the Act had this intention or not, it may certainly be held under it that the Act confirms and makes valid all sales made by the Government of British Columbia previously to the passage of this Act of any lands in British Columbia which had been reserved for any purpose whatever, including Military and Naval and Indian Reservations, as well as all the sales, made just before the date of the passage of the Act, of lands within the limits of the Railway Belt, which had been conveyed, or reserved subject to be conveyed, to the Dominion by the British Columbia Act 46 Victoria, Chapter 14, passed 12th May, 1883, intituled: "An Act relating to the Island Railway, the Graving Dock and Railway Lands of the Province," and by the subsequent Act of British Columbia of the same title, 47 Victoria, Chapter 14, passed 19th December of the same year (1883), the sales of which last mentioned lands and the issue of Crown grants of the lands so sold by the Government of British Columbia I called attention to by letter of 18th February last, as having been made in contravention of the two

Statutes just last above named, and to the prejudice of Dominion rights under those Statutes.

On these grounds I venture to submit that the Act under reference should be disallowed.

In connection with the wrongful and, as I consider, invalid sale of the lands within the Railway Belt, to which my letter above named had reference, I beg further to call attention to the Act of British Columbia, 46 Victoria, Chapter 25, copy of which is also enclosed, intituled: "An Act to incorporate the Columbia and Kootenay Railway and Transportation Company," which Act remains in force, and to point out that under Section 17 of this Statute it was enacted that certain tracts of land therein defined should be set apart and reserved, and that such tracts of land were accordingly placed under reservation by the usual formal notification signed by the Chief Commissioner of Lands and Works, published in the *British Columbia Gazette*, of 22nd March, 1883, which notice of reservation has never been cancelled or revoked, and that the tracts of land so reserved include a tract of land six miles wide on each side of the Columbia River from the 49th parallel to the head of navigation, and that this reservation consequently embraces the Twenty Mile Belt on each side of the line of the Canadian Pacific Railway now under construction for a distance of six miles east and six miles west of the westernmost railway crossing of the Columbia River, at the point where the town of Farwell now exists, and therefore includes the two lots Nos. 6 and 7, 1,175 and 214 acres in extent respectively situated the first on the east and the last on the west side of the river at the railway crossing and forming the town site of Farwell, Crown grants of which were made by the Government of British Columbia to Mr. Farwell and Mr. G. B. Wright respectively, last March, as stated in my letter of last February above mentioned, despite the fact that this land was then and still is under reservation by public notice just stated, as well as under conveyance, or under reservation subject to conveyance, to the Dominion under the two Statutes above mentioned, viz.: 46 Victoria, Chapter 14 and 47 Victoria, Chapter 14.

I have, &c.,

(Signed) JOSEPH W. TRUTCH,

Dominion Government Agent for British Columbia.

The Hon. THOS. WHITE,
Minister of the Interior, Ottawa.

DEPARTMEMT OF JUSTICE, OTTAWA, 15th December, 1885.

SIR,—I have the honor to transmit an extract from a letter of the 5th September, 1885, from the Hon. Joseph Trutch to the Minister of the Interior, and to recommend that it be sent to His Honor the Lieutenant Governor of British Columbia, for communication to his Government, in order that they may, if they see fit, submit their views in respect to the matter discussed by Mr. Trutch for the information of His Excellency the Governor General.

I have, &c.,

(Signed) GEO. W. BURBIDGE,

Deputy Minister of Justice.

The Under Secretary of State.

Report of the Minister of Justice upon Chapter 16.

DEPARTMENT OF JUSTICE, OTTAWA, 11th March, 1886.

To His Excellency the Governor General in Council:

The undersigned has the honor to report with reference to the Act passed by the Legislature of the Province of British Columbia in the Session held in the year 1885, Chapter 16, intituled: "An Act to amend the Land Act, 1884."

Sections 1 and 2 of this Act make amendments in the Land Act of 1884, and then it is provided by the 3rd Section that "all sales heretofore made of reserved lands, and of town, city or suburban lots in the cities of Victoria or New Westminster and the town of Hastings, are declared to be valid."

In a communication, under date 5th September last from Mr. Trutch, the Dominion Government Agent for British Columbia, to the Minister of the Interior, by whom it was transferred to the Minister of Justice, attention is called to the 3rd Section of this Act.

Mr. Trutch observes that the provision is open to serious objection and should not in his opinion be allowed to continue in force, for the reason that the provision whether so intended or not may be held to confirm and make valid all sales made by the Government of British Columbia previously to the passage of this Act of any lands in British Columbia which had been reserved for any purpose whatever, including military, naval and Indian reservations, as well as the sales made just before the date of the passage of the Act of lands within the limits of the Railway Belt which had been conveyed to the Dominion by the British Columbia Act, 47th Victoria, Chapter 14, passed on the 19th December, 1883, and intituled: "An Act relating to the Island Railway and Graving Dock and the Railway Lands of the Province," to the sales of which last mentioned lands and the issue of Crown grants of the lands so sold by the Government of British Columbia he had called attention in his letter of the 18th February, 1884, as having been made in contravention of the Statute last mentioned and to the prejudice of Dominion rights under that Statute.

The question of the validity of the grants so made by the Government of British Columbia, and to which Mr. Trutch calls attention is now before the Courts, and in the opinion of the undersigned, pending the decision of that question, no Act of the Legislature of the Province of British Columbia should be left to its operation which will have the effect of confirming the grants so called into question.

It might possibly be urged that the 3rd Section of the Act under consideration is intended to confirm sales theretofore made of reserved lands in the Cities of Victoria and New Westminster and the town of Hastings, but the undersigned thinks it is open to the larger construction which Mr. Trutch has placed upon it, and that the effect of such a construction might be to confirm the grants which the Government of British Columbia has made of lands within the railway belt in that Province.

The undersigned therefore recommends that Chapter 16, intituled: "An Act to amend the Land Act, 1884," be disallowed.

All of which is respectfully submitted.

(Signed) JNO. S. D. THOMPSON,
Minister of Justice.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council approved by His Excellency the Governor General in Council on the 16th March,* 1886.

On a Report dated 11th March, 1886, from the Minister of Justice, with reference to the Act passed by the Legislature of the Province of British Columbia at its last Session (1885) Chapter 16, intituled: "An Act to amend the Land Law, 1884."

The Minister recommends for the reasons set forth in his Report that the said Act be disallowed.

The Committee advise that the Act of the Legislature of British Columbia, 48 Victoria (18 5), Chapter 16, intituled: "An Act to amend the Land Act, 1884," be disallowed accordingly and that a copy of the Report of the Minister of Justice be transmitted to the Lieutenant Governor of British Columbia for the information of his Government.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

Proclamation disallowing Chapter 16.

GOVERNMENT HOUSE, OTTAWA, Tuesday, 16th day of March, 1886.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas the Lieutenant Governor of the Province of British Columbia, with the Legislative Assembly of that Province passed an Act in the 48th year of the reign of Her Majesty, intituled: "An Act to amend the Land Act, 1884;"

And whereas the said Act has been laid before the Governor General in Council together with a Report of the Minister of Justice recommending that the said Act should be disallowed;

His Excellency the Governor General has, thereupon, this day, been pleased, by and with the advice of the Queen's Privy Council for Canada to declare his disallowance of the said Act and the same is disallowed accordingly.

Whereof the Lieutenant Governor of the Province of British Columbia and all other persons whom it may concern are to take notice and govern themselves accordingly.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

I, Sir Henry Charles Keith Petty Fitzmaurice, Marquis of Lansdowne, Governor General of Canada, do hereby certify that the undermentioned Act passed by the Legislature of the Province of British Columbia in the 48th year of the Reign of Her Majesty, intituled: "An Act to amend the 'Land Act, 1884,'" was received by me on the 23rd day of March, 1885.

Given under my hand and seal this 16th day of March, 1886.

(Signed) LANSDOWNE.

General Report of the Hon. the Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 11th March, 1886.

To His Excellency the Governor General in Council:

The undersigned having had under consideration the Acts of the Legislature of the Province of British Columbia, passed in the Session held in the year 1885, which are mentioned in the annexed Schedule, and being of opinion that there is no objection to such a course, respectfully recommends that they be left to their operation.

By the 51st Section of Chapter 25, intituled: "An Act to consolidate the Public School Acts," it is provided that any person wilfully making a false declaration of his right to vote shall be guilty of misdemeanor, and, on a summary conviction

thereof before any Justice of the Peace, shall be sentenced therefor to imprisonment for any period not exceeding three months, or to a fine not greater than one hundred dollars. The same provision was contained in "The Public School Act, 1879," and attention was called to it in the Report of the Minister of Justice of 8th May, 1880.

By the 1st Section of Chapter 26, intituled: "An Act to authorize the appointment of a Commission of Enquiry concerning the genuineness of an alleged transfer, dated 23rd June 1884, from certain Indians to one J. M. M. Spinks," it is provided that any witness who, on the investigation therein mentioned, shall make any false statement on oath or solemn affirmation shall incur a penalty of $500.

Both of these provisions in the opinion of the undersigned are open to objection. The first by purporting to create a misdemeanor, and the second by providing a penalty for an offence which by the Act of the Parliament of Canada, 32 and 33 Victoria, Chapter 23, section 2, is declared to be wilful and corrupt perjury and to be punishable accordingly.

The undersigned, however, recommends that the Acts be left to their operation, but that the attention of the Lieutenant Governor of the Province of British Columbia be called to the matter with a view to the necessary amendments being made.

By the 1st section of Chapter 28, intituled: "An Act for the abolition of certain tolls," "An Act to amend the Cariboo Waggon Road Tolls Act, 1876" (47 Victoria, Chapter 33) and "An Act to amend the Cariboo Waggon Road Tolls Act, 1876" (43 Victoria, Chapter 28) and "The Cariboo Waggon Road Tolls Act, 1876," are hereby repealed.

By the 2nd section it is provided that,

"From and after the passing of this Act, there shall be levied and paid unto and to the use of Her Majesty, her heirs and successors, from all persons whomsoever, by way of toll, the sums following, that is to say:—

"For every pound avoirdupois of goods, merchandise, stores, productions and chattels, other than those hereinafter excepted which shall respectively be carried from Clinton in the direction of Cariboo, the sum of half a cent."

By the 3rd section it is provided, "that such tolls shall not be demanded of, or from, or paid by any person in respect of mining machinery, farming implements, wheat, beans, peas, oats, barley and grain of all kinds, hay, roots, vegetables and other agricultural produce, the growth of the Province, and all flour and meal manufactured in this Province from wheat, beans, peas, oats, barley, and grain of all kinds grown in the Province."

The Minister of Justice in his Report of the 11th October, 1876, upon the "Cariboo Waggon Tolls Act, 1876," while not recommending the disallowance of the Act, pointed out that its principle might be so extended, as to render it necessary to consider the question whether such Legislation does not trench on the regulation of trade and commerce. The Act last mentioned, with exceptions similar to those contained in the third section of the Act under consideration, established a toll of half a cent for every pound avoirdupois of goods, merchandise, stores, productions and chattels which should be carried over or across the Alexander Suspension Bridge or the Fraser River within a distance of ten miles from the bridge or carried from Clinton in the direction of Cariboo.

In 1878 the Legislature of British Columbia amended the Cariboo Waggon Road Tolls Act, 1876, and established a toll of one cent per pound on all goods carried from Yale in the direction of Cariboo, with the exception of plant and material for the construction of the Canadian Pacific Railway.

It was objected, however, that this exemption was only partial, that a tax of one cent per pound on all the supplies which would pass over the road to be used in the construction of the Canadian Pacific Railway was enormous and unjust, and that the toll was calculated to cause the tenders for that work, then invited, to be much higher than they would otherwise be. For this reason, as well as that given by the Minister of Justice in 1876, the Act was disallowed.

In 1881, for the same reason, the 43rd Victoria, Chapter 28, intituled: "An Act to amend the "Cariboo Waggon Tolls Act, 1876,'" now repealed by the Act under consideration, was disallowed.

In 1884 another Act was passed to amend the "Cariboo Waggon Road Tolls Act, 1876." The toll, which was fixed at half a cent per pound, was leviable upon goods carried upon the Cariboo Waggon Road from Yale, in the direction of the 50th Mile Post in the direction of Spence's Bridge or Clinton, and upon goods carried from Clinton in the direction of Cariboo, and it was provided that no tolls should be levied on supplies or materials required for and used in the construction of the Canadian Pacific Railway by the contractors. This Act was left to its operation.

By the Act of 1885, now under consideration the tolls are abolished excepting the toll of a half cent per pound leviable with certain exceptions on goods carried from Clinton in the direction of Cariboo, and the exemption in favor of supplies and materials for the Canadian Pacific Railway is omitted.

As the Canadian Pacific Railway is practically finished the undersigned thinks the consideration of this Act can be limited to the question of its interference with trade and commerce and that question is one which in his opinion can be tried out in the Courts by any person who is affected by the provisions of the Act.

Being of opinion that the course adopted with reference to the Act of 1876 referred to, should be followed in respect of this Act he respectfully recommends that it be left to its operation.

With reference to Chapters 9, 13 and 16, not referred in this Report or Schedule thereto, the undersigned desires to observe that he has made them the subject of separate Reports.

All of which is respectfully submitted.

(Signed) JNO. S. D. THOMPSON,
Minister of Justice.

SCHEDULE.

STATUTES OF BRITISH COLUMBIA, 1885.

Chap. 1. An Act to amend the "Interpretation Act, 1873."
Chap. 2. An Act to amend the "Chinese Regulation Act, 1884."
Chap. 3. An Act to further amend the "Constitution Act, 1871."
Chap. 4. An Act relating to the Law of Coroners.
Chap. 5. An Act to declare and regulate the power of the Judges of the Supreme Court of British Columbia relative to appeals.
Chap. 6. An Act to fix the times for the holding of Courts of Assize and *Nisi Prius*, and of Oyer and Terminer and General Gaol Delivery.
Chap. 7. An Act respecting the Jurisdiction and Procedure of County Courts.
Chap. 8. An Act to assimilate the laws relating to arrest and imprisonment for debt.
Chap. 10. An Act to amend the "British Columbia Line Fences and Water Courses Act, 1876."
Chap. 11. An Act to amend the Act relating to Ferries in Municipalities.
Chap. 12. An Act to extend the Game Protection Acts of British Columbia.
Chap. 14. An Act relating to Innkeepers.
Chap. 15. An Act to amend the "Juror's Act, 1883."
Chap. 17. An Act relating to the New Westminster District Land Registry Office.
Chap. 18. An Act to amend the "Licenses Ordinance, 1867."
Chap. 19. An Act to amend the "Mechanics Lien Act, 1879."
Chap. 20. An Act to amend the "Married Women's Property Act, 1873."
Chap. 21. An Act to amend the "Municipality Act, 1881."
Chap. 22. An Act to provide for the disposal of penalties in certain cases.
Chap. 23. An Act to amend the "Revenue Act, 1879."

Chap. 24. An Act for granting certain sums of money for the Public Service of the Province of British Columbia.

Chap. 27. An Act to amend "An Act relating to the appointment of Stipendiary Magistrates."

Chap. 29. An Act to amend the "New Westminster City Lands Act, 1884."

Chap. 30. An Act to incorporate the Esquimalt Water Works Company, 1885.

Chap. 31. An Act to incorporate the Nanaimo Water Works Company (Limited).

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the* 16*th March*, 1886.

The Committee of Council have had before them a Report dated 11th March, 1886, with respect to the Acts passed by the Legislature of the Province of British Columbia in the Session thereof held in the year 1885.

On the recommendation of the Minister of Justice, the Committee advise that the power of disallowance be not exercised with respect to any of the said Acts, being Chapters 1 to 31 inclusive, excepting Chapters 9, 13 and 16 which have been disallowed.

The Committee further advise that a copy of the Report of the Minister of Justice be forwarded to the Lieutenant Governor of British Columbia, and that his attention be directed to the observations therein made respecting Chapters 25, 26 and 28.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 31st May, 1886.

SIR,—I have the honor to acquaint you, for the information of your Government, that His Excellency the Governor General has had under his consideration in Council the Acts of the Legislature of the Province of British Columbia passed in the Session held in the year 1885, and that His Excellency is advised that the power of disallowance be not exercised with respect to any of the said Acts, being Chapters 1 to 31 inclusive, excepting Chapters 9, 13 and 16, which have been disallowed.

I have, &c.

(Signed) J. A. CHAPLEAU,
Secretary of State.

His Honor the Lieutenant Governor,
Victoria, B. C.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, VICTORIA, B.C., 23rd June, 1886.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 31st May, informing me that His Excellency the Governor General has had under his consideration in Council the Acts of the Legislature of the Province of British Columbia passed in the Session held in the year 1885, and that His Excellency is advised that the power of disallowance be not exercised with respect to any of the

said Acts, being Chapters 1 to 31 inclusive, excepting Chapters 9, 13 and 16, which have been disallowed.

I have, &c.,

(Signed) CLEMENT F. CORNWALL,
Lieutenant Governor.

The Hon. the Secretary of State,
Ottawa.

Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 31st May, 1886.

SIR,—With reference to the subject of my letter to you of this day, I now have the honor to transmit to you herewith, for the information of your Government, copies of the following documents, viz.:—

1. Copy of a Report of the Hon. the Minister of Justice recommending for the reasons therein stated that the Act of the Legislative Assembly of British Columbia, 48 Victoria (1885), Chapter 9, intituled: "An Act to amend the Sumas Dyking Act, 1878," be disallowed, together with a copy of the Memorandum of the Hon. the Minister of the Interior, therein referred to.

2. Copy of a Report of a Committee of the Honorable the Privy Council, embodying a Report of the Hon. the Minister of Justice, recommending the disallowance of the Act passed by the Assembly at the same Session, Chapter 13, intituled: "An Act to prevent the immigration of Chinese."

3. Copy of a Report of the Hon. the Minister of Justice recommending the disallowance of the Act passed by the Assembly at the same Session, Chapter 16, intituled: "An Act to amend the Land Act, 1884."

I enclose the orders of His Excellency the Governor General declaring his disallowance in each of the above cases, to each of which orders is attached the certificate of His Excellency as to the date of the receipt of the Act disallowed.

I have, &c.,

(Signed) J. A. CHAPLEAU,
Secretary of State.

To His Honor
The Lieutenant Governor of British Columbia,
Victoria, B.C.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, VICTORIA, B.C., 23rd June, 1886.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 31st May, informing me that you had transmitted, and which I have received, the following documents, viz.: 1. Copy of a Report of the Honorable the Minister of Justice, recommending, for the reasons therein stated, that the Act of the Legislative Assembly of British Columbia, 48 Victoria (1885), Chapter 9, intituled: "An Act to amend the Sumas Dyking Act, 1878" be disallowed, together with a copy of the Memorandum of the Honorable the Minister of the Interior therein referred to.

2. Copy of a Report of a Committee of the Honorable the Privy Council embodying a Report of the Honorable the Minister of Justice recommending the disallowance of the Act passed by the Assembly at the same Session, chapter 13, intituled: "An Act to prevent the Immigration of Chinese."

3. Copy of a Report of the Honorable the Minister of Justice recommending the disallowance of the Act passed by the Assembly at the same Session, Chapter 16, intituled: "An Act to amend the Land Act, 1884."

Also the Orders of His Excellency the Governor General declaring his disallowance in each of the above cases and beg to inform you that I have referred these documents to my Executive Council.

I have, &c.,

(Signed) CLEMENT F. CORNWALL,
Lieutenant Governor.

The Hon. the Secretary of State,
Ottawa.

BRITISH COLUMBIA—49TH VICTORIA, 1886.

4TH SESSION—4TH PARLIAMENT.

Clerk Legislative Assembly to Lieutenant Governor.

HOUSE OF ASSEMBLY, VICTORIA, B.C., 8th April, 1886.

SIR,—I have the honor to transmit herewith copies of the Acts passed by the Legislative Assembly of this Province, at its last Session ending on the sixth instant, and I certify to the same being correct as passed by the said Legislative Assembly.

I have, &c.,

(Signed) THORNTON FELL,
Clerk Legislative Assembly.

To His Hon. the Lieutenant Governor,
Victoria, B.C.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, VICTORIA B.C., 8th April, 1886.

SIR,—I have the honor to forward herewith certified copies of the Acts passed during the recent Session of the Legislative Assembly of this Province, and assented to by me on the 6th instant, together with the Report of the Honorable Attorney General thereupon.

I do not see that any of the Acts require comment from me with the exception that I wish to draw your attention to the clauses introduced into all the Private Acts with reference to the employment of Chinese. Those clauses expressly state that "this Act is passed upon the express understanding that the company shall not,

directly or indirectly, employ any Chinese in or about or concerning any work or service authorized by this Act or required by the Company to be done or performed," and go on to impose penalties for such employment, &c. Unwise and extraordinary as such provisions may appear, I confess that they appear to me to be within the competency of the Provincial Legislature. When they appear separately in Private Acts it is evident that they are inserted with the consent of the promoters, and although such clauses might be *ultra vires* if they had a general and universal application in the present instances they are part and parcel of the contracts made between the Legislature and those to whose benefit the Acts are supposed to enure, and do not seem to be illegal.

An example of their effect has already been given. The Canada Pacific Railway agreed to construct a branch line of railway from Vancouver to New Westminster on certain terms. When the Government subsidy of $37,000 was voted in the House the other day a clause of the character referred to above was inserted. On learning this orders immediately came from the Manager of the Company to stop all work and preparations on the Branch Line unless the time for completion were extended and unless the Company were reimbursed for the difference in cost between White and Chinese labor! The way in which members of the Legislature are influenced on this Chinese question as it is called, is very remarkable. In addition to habitual agitators there is only a portion of any class in the community which troubles itself in the matter. That of course is the laboring class—all others, shopkeepers, tradesmen, merchants, mechanics, farmers, &c., take quite a different view of it, but it is evident that to secure the few votes thus to be influenced the representatives of the people are ready to go all lengths. All classes agree to this extent, that it would be far preferable that whites should do the work now done by Chinese; but the whites are not forthcoming and the work must be done or the country must suffer, and consequently all not immediately and personally affected, prefer the absolutely necessary presence of Chinese in the Province. The Dominion Restriction Act is quite enough to prevent the further advent of any number of Chinese but the *awkwardness* of the question with reference to those now in the Province is very patent. Time will solve it, but it will be well if we can escape any such outrage as has latterly disgraced the neighboring States.

I have, &c.,

(Signed) CLEMENT F. CORNWALL,

Lieutenant Governor.

The Hon. the Secretary of State,
Ottawa.

Report of Mr. Attorney General Davie.

ATTORNEY GENERAL'S OFFICE, VICTORIA, B.C., 6th April, 1886.

MAY IT PLEASE YOUR HONOR:

I beg to make the following report upon the different Bills passed by the Legislative Assembly during its present Session:—

No. 1, An Act to amend the County Court Jurisdiction Act, 1885, empowers the Lieutenant Governor in Council to frame a tariff of sheriff's fees.

No. 3, An Act respecting the Consolidation of the Statute Laws of British Columbia, authorizes the appointment of two Commissioners to revise and consolidate the Statutes of the Province.

No. 4, An Act to incorporate the Vancouver Gas Company for the city of Vancouver, with necessary powers.

No. 5 is an Act authorizing the New Westminster and Port Moody Telephone Company to extend their lines of telephone to the city of Vancouver and other places in that vicinity.

No. 6 is an Act relative to the medical profession, and establishes a Medical Council elected by practitioners registered under the Medical Ordinance, 1867, and authorizes the Council to admit to practice physicians and surgeons from other countries upon passing an examination.

After the first election the Medical Ordinance will stand repealed and the registration of petitioners will be made under the new Act.

No. 7 is a Bill incorporating certain persons as the British Columbia Fire Insurance Company, and authorizes the conduct of business on the mutual credit basis prevalent in Ontario, and on the cash principle.

No. 9, An Act to regulate the practice of dentistry, subjects practitioners from other countries to the production and approval of their diplomas.

No. 10, An Act to incorporate the Coquitlam Water Works Company to take water from the Coquitlam River to supply towns at Port Moody, English Bay and intermediate places and the city of New Westminster, and gives the necessary powers.

No. 13 is an Act to incorporate the Victoria and Saanich Railway Company, and give the necessary powers for the construction of the railway.

No. 15, An Act to amend the Nanaimo Water Works Act, 1885, authorizes the Company to take water from Crystal Choir River, and the watershed of Mount Benson.

No. 16 is an Act to incorporate the Vancouver Water Works Company, and authorizes the Company to take and convey the waters of Capilano Creek for the purpose of supplying the residents of Granville, English Bay and vicinity with water.

No. 17 is an Act which incorporates the new City of Vancouver. Numerous and large powers are given to the Corporation. One of the sections of the Bill provides for the amendment of its provisions at any future sessions; this section is probably unnecessary, but is indicative of Legislative intention to change the Act in any particulars should policy require it.

No. 18 is an Act granting a lease of mining ground on Findlay Creek, Kootenay, to Messrs. Cochrane & Brady with water privileges for the period of twenty-five years.

No. 19 is an Act incorporating certain persons as a company to supply the new City of Vancouver with electric light, with necessary powers.

No. 20 is also an Act incorporating a company to construct and maintain tramways in the same city and vicinity.

No. 22, An Act to amend the Licenses Amendment Ordinance, 1885, amends that statute by giving to Stipendiary Magistrates the same powers as are possessed by the Provincial Superintendent of Police in the matter of granting retail liquor licenses in localities where no licensing courts are held, and extends the Act to the whole Province.

No. 24, An Act regarding leases and sales of settled lands, brings into force the Imperial Settled Estate Acts, 1877, so far as applicable, and declares infants' estates to be settled estates.

No. 25, An Act to amend the Mineral Act, 1884, extends the jurisdiction of the Mining Court to personal claims between persons engaged in mining and in respect of miners' supplies. It also gives jurisdiction to issue bailable process and alters the law as to the acquisition and holding of mineral claims.

No. 26, An Act to amend the Land Act, 1884, provides for the passing of water rights, with the land to which they are appurtenant. It gives an appeal from a single judge to the full court, validates past records of water, and establishes rules for the measurement of water.

No. 29, An Act to amend the Lumber Act, 1884, authorizing personal license in respect of the waste lands of the Crown generally, declares that dues shall not be payable in respect of hemlock trees and enacts that licenses shall not be issued to Chinese.

No. 30, The Imprisonment Exemption Act, 1886, again brings into force the 1 and 2 Victoria, Chapter 110 of England. It has relation to arrest of absconding debtors upon mesne and final process.

No. 31, An Act respecting Land Surveyors and the survey of land, lays down

certain rules for the Surveys of Crown lands and establishes boundaries made under authority of the Government.

No. 33, An Act to amend the Municipality Act, 1881, raises the power of creating debts from ten to twenty per cent. of the assessed value of the lands, and the time limited for the payment of debts is made fifty years at the furthest. Many other provisions are made for the carrying out of the municipal system, none of which require special comment.

No. 34, An Act to amend the Breeding Stock Act, 1884, makes special provision for dealing with stallions, the property of Indians when the animals are found running at large.

No. 36 is an Act creating a small Debts Court, giving jurisdiction to Stipendiary Magistrates in personal claims not exceeding one hundred dollars and prescribing the rules and practice.

No. 37 is an Act providing for the election and defining the duties of water viewers. It will not apply to any locality without the consent of two-thirds of the persons entitled to vote at the election. It provides for the adjustment of water disputes by the water viewer and gives an appeal to the Supreme Court.

No. 39 amends the Assize Court Act of 1885 by changing the Spring Assizes at Victoria from the first Monday in April to the first Monday in the month of May.

No. 41 is an Act authorizing the raising of a loan of $300,000, for Provincial public purposes.

No. 40, "An Act to include Alberni, in the Electoral District of Nanaimo District," is sufficiently explained by its title.

No. 42 is an Act respecting a subsidy for a Railway from Victoria to North Saanich, and provides for a bonus of interest at two per cent. for twenty years on $250,000.

No. 43 is an Act to encourage the erection of Smelting Works and authorizes the Chief Commissioner subject to the approval of the Lieutenant Governor in Council, to contract with any person for the payment of a bonus of seven thousand dollars upon the establishment of the works.

No. 45 is an Act abolishing the road tolls on the Cassiar trail and the Cariboo waggon road as from the first day of July next.

No. 46 is an Act to further amend the "County Court Jurisdiction Act, 1885," and enacts that peremptory challenges shall not be allowed in county courts and empowers the judge to refer certain matters to arbitration.

No. 47 is the usual Bill of Supply.

No. 49 is an Act respecting the registration of judgments requiring they should be registered only in the district in which the lands affected are situate.

I have used the numbers of the Bills as given by the Government printer for the sake of convenience. The missing numbers are those of Bills which did not pass a third reading.

The several Private Bills contain sections against the employment of Chinese; so also does the Saanich Railway Subsidy Bill.

I have, &c.,

(Signed) ALEX. B. DAVIE,

Attorney General.

To His Honor CLEMENT FRANCIS CORNWALL,
Lieutenant Governor of British Columbia.

Mr. Edwin Johnson to Minister of Justice.

CITY HALL, VICTORIA, B.C., 26th July, 1886.

SIR,—I beg to inform you that application has been made to me to exercise jurisdiction under the "Small Debts Act, 1886," Chapter 6 of the British Columbia Statutes of this year; and I am threatened with a mandamus if I refuse. As it seems

to involve my acting as judge of a district or county court, as well as for other reasons, I venture to hope that you will favor me with some opinion as to my duty in the matter.

The Act in question was introduced by a private member and was simply not opposed by the Government. No step has been taken by the Provincial Government to put it in operation. No provision has been made for a court room or for any of the usual and necessary officials of a court; and the fees authorized to be taken by the judge are such that I could not obtain a clerk by paying him the whole of them. Then the work cast upon the judge is of the most onerous character. He has to collect his own miserable little fees and the instalments of small debts, pay out instantly all moneys received, however small, keep books, issue process in person to suitors in person, and in fact become a clerk of the lowest order. I believe if I should undertake this duty I should have little or no time for anything else, and should be driven to resign not only my Revising Office but the Magistracy.

These are some of the objections, very briefly and imperfectly stated, to the Act; and I can only hope that His Excellency the Governor General may be advised to disallow it.

I have, &c.,

(Signed) EDWIN JOHNSON.

The Hon. the Minister of Justice,
Ottawa.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 31st August, 1886.

SIR,—I have the honor to transmit to you, herewith at the instance of the Minister of Justice, copy of a letter dated the 26th July, 1886, from Edwin Johnson, Esquire, Barrister-at-Law, relating to the exercise of jurisdiction under the "The Small Debts Act, 1886," Chapter 6, of the Statutes of the Province of British Columbia passed at its recent Session.

I am to request that this matter be brought under the attention of your Ministers with a view to an expression of their opinion on the subject referred to by Mr. Johnson.

I have, &c.,

(Signed) G. POWELL.

Under Secretary of State.

His Honor the Lieutenant Governor of British Columbia,
Victoria, B.C.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, VICTORIA, B.C., 8th September, 1886.

SIR,—I have the honor to acknowledge the receipt of your Despatch of the 31st August, enclosing copy of a letter from Edwin Johnson, Esquire, Barrister-at-Law, relating to the exercise of jurisdiction under "The Small Debts Act, 1886" Capter 6, of the Statutes of the Province of British Columbia passed at its last Session, and beg to inform you that I have referred the same to my Executive Council.

I have, &c.,

(Signed), CLEMENT F. CORNWALL,

Lieutenant Governor.

The Honorable the Secretary of State,
Ottawa.

Deputy Minister of Justice to Attorney General.

(*Telegram.*)

DEPARTMENT OF JUSTICE, OTTAWA, 31st March, 1887.

Report on Legislature British Columbia, 1886, delayed. Please examine and see if following provisions should not, before you adjourn, be repealed or amended as unnecessary and conflicting with criminal law; also open objection insertion general provisions in local or private Acts: Chapter 20, Section 8; Chapter 25, Section 23; Chapter 32, Section 184; Chapter 33, Sections 12, 14, 23 and 28; and Chapter 25, Sections 11, 13, 21 and 25. Apart from common law principles, see Revised Statutes, Canada, Chapter 157, Section 8; Chapter 162, Section 34; Chapter 164, Section 85; Chapter 168, Sections 40, 56 and 57; Chapter 174, Section 24 and following, Stephen's Digest Criminal Land (1883), Article 289. Section 197, Chapter 32, should be limited to fines and penalties under legislative control of Legislature. Please telegraph answer, as Acts were received by Secretary of State, 21st April, 1886.

(Signed) GEO. W. BURBIDGE,
Deputy Minister of Justice.

To Hon. A. E. B. DAVIE.

Mr. Attorney General Davie to Deputy Minister of Justice.

(*Telegram.*)

VICTORIA, B.C., 3rd April, 1887.

Bill has been prepared to meet objections.

(Signed) ALEX. E. B. DAVIE,
Attorney General.

To GEO. W. BURBIDGE, Q.C.,
Deputy Minister of Justice.

Deputy Attorney General to Deputy Minister of Justice.

(*Telegram.*)

VICTORIA, B.C., 12th April, 1887.

Sections questioned in your telegram 31st March have been amended.

(Signed) P. Æ. IRVING,
Deputy Attorney General.

To GEO. W. BURBIDGE, Q.C.,
Ottawa.

Deputy Attorney General to Deputy Minister of Justice.

ATTORNEY GENERAL'S DEPARTMENT, VICTORIA, B.C., 12th April, 1887.

SIR,—In reference to your telegram of 31st ult., I have the honor to forward you copies of the amendments made at the recent Session of the Legislative Assembly to the following sections, viz.:

Section 8 of 49 Vic., Chap. 20.
Section 23 of 49 Vic., Chap. 25.
Sections 12, 14, 23 and 28 of 49 Vic., Chap. 33.

Sections 11, 13, 21 and 25 of 49 Vic., Chap. 35; and
Sections 184 and 197 of 49 Vic., Chap. 32, (the Vancouver Incorporation Act, 1886).

Yours, &c.,

(Signed) P. Æ. IRVING,
Deputy Attorney General

G. W. BURBIDGE, Esq., Q. C.,
Deputy Minister of Justice.

Deputy Minister of Justice to Deputy Attorney General.

DEPARTMENT OF JUSTICE, OTTAWA, 19th April, 1887.

SIR,—I have the honor to acknowledge the receipt of your communication of the 12th inst., forwarding the copies of the amendments made at the March Sessions of the Legislative Assembly of British Columbia to certain Statutes which was suggested in my telegram of the 31st ultimo.

I am directed by the Minister of Justice to request you to convey to the Hon. the Attorney General his thanks for the attention which this matter has received at his hands.

I have, &c.,

(Signed) A. POWER,
for Deputy Minister of Justice.

To P. Æ. IRVING, Esq.,
Deputy Attorney General, Victoria, B.C.

General Report of the Hon. the Minister of Justice.

DEPARTMENT OF JUSTICE, CANADA, OTTAWA, 6th April, 1887.

To His Excellency the Governor General in Council:

The undersigned has the honor to submit for consideration his Report on the Acts passed by the Legislature of the Province of British Columbia in the Session of 1886, authentic copies of which were received by the Secretary of State on the 21st day of April last.

Chapters 20 (Sec 8), 25 (Sec. 23), 32 (Sec. 184), 33 (Secs. 12, 14, 23 and 28) and 35 (Secs. 11, 13, 21 and 25) contain provisions which in the opinion of the undersigned conflict with the criminal law, and the provision of Section 197 of Chapter 32 should be limited in its application to fines and penalties under the legislative control of the British Columbia Legislature. But as the Attorney General of that Province having had his attention called to these objections by the undersigned, has replied that a Bill has been prepared to meet such objections, the undersigned thinks the several Acts may be left to their operation.

Section 142 of Chapter 32, defining the power of the Council of the City of Vancouver to make by-laws as usual in such cases, contains provisions open to question, but accepting such provisions as the delegation of limited powers of police to be exercised, subject to the laws of Parliament, the undersigned does not deem it necessary to make any suggestion looking to the amendment or repeal of such provisions.

The undersigned respectfully recommends that the Acts passed by the Legislature of the Province of British Columbia, in the Session of 1886, the Chapters and titles of which are given in the annexed schedule, be left to their operation.

(Signed) JNO. S. D. THOMPSON,
Minister of Justice.

SCHEDULE.

ACTS OF BRITISH COLUMBIA, 1886.

Chap. 1. An Act to amend the Breeding Stock Act, 1874.

Chap. 2. An Act to include Alberni in the Electoral District of Nanamio District.

Chap. 3. An Act to amend the "Assize Court Act, 1885."

Chap. 4. An Act to further amend the "County Court Jurisdiction Act, 1885."

Chap. 5. An Act to amend the "County Court Jurisdiction Act, 1885."

Chap. 6. An Act to confer limited civil jurisdiction upon Stipendiary Magistrates and Police Magistrates.

Chap. 7. An Act to regulate the practice of Dentistry in the Province of British Columbia.

Chap. 8. An Act to amend the "Imprisonment Exemption Ordinance, 1885," and "An Act to assimilate the laws relating to arrest and imprisonment for debt." No. 8, 1885.

Chap. 9. An Act respecting the registration of Judgments.

Chap. 10. An Act to amend the "Land Act, 1884."

Chap. 11. An Act to authorize a loan of three hundred thousand dollars.

Chap. 12. An Act to amend the "Licenses Amendment Ordinance, 1885."

Chap. 13. An Act respecting the profession of medicine and surgery.

Chap. 14. An Act to amend the "Mineral Act, 1884."

Chap. 15. An Act to amend the "Municipality Act, 1881."

Chap. 16. An Act respecting a subsidy for a railway from Victoria to North Saanich.

Chap. 17. An Act regarding leases and sales of settled estates.

Chap. 18. An Act to encourage the erection of smelting works.

Chap. 19. An Act respecting the consolidation of the Statute laws of British Columbia.

Chap. 20. An Act respecting Land Surveyors and the Survey of Lands.

Chap. 21. An Act for granting certain sums of money for the Public Service of the Province of British Columbia.

Chap. 22. An Act to amend the "Timber Act, 1884."

Chap. 23. An Act for the abolition of certain Road Tolls.

Chap. 24. An Act providing for the election and defining the duties of water viewers.

Chap. 25. An Act to incorporate the Vancouver Electric Light Company.

Chap. 26. An Act granting to T. B. H. Cochrane and James Brady a lease of a portion of the bed of Findlay Creek and Lands contiguous thereto, for mining purposes.

Chap. 27. An Act to incorporate the Vancouver Gas Company, and for other purposes.

Chap. 28. An Act to incorporate the British Columbia Fire Insurance Company.

Chap. 29. An Act to incorporate the Victoria and Saanich Railway Company.

Chap. 30. An Act to amend the Act incorporating the "New Westminster and Port Moody Telephone Company, Limited."

Chap. 31. An Act to incorporate the Vancouver Street Railway Company.

Chap. 32. An Act to incorporate the City of Vancouver.

Chap. 33. An Act to incorporate the Coquitlam Water Works Company, Limited.

Chap. 34. An Act to amend the "Nanaimo Water Works Act, 1885."

Chap. 35. An Act to incorporate the Vancouver Water Works Company, 1886.

CERTIFIED COPY *of a Report of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 7th April,* 1887.

The Committee of the Privy Council have had under consideration the Report,

dated 6th April, 1887, from the Minister of Justice upon the Acts passed by the Legislature of the Province of British Columbia in the Session of 1886.

The Committee advise that the said Acts be left to their operation, and that a copy of this Minute and of the Report of the Minister of Justice be forwarded to the Lieutenant Governor of British Columbia for the information of his Government.

(Signed) JOHN J. McGEE,
Clerk Privy Council.

Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 15th April, 1887.

SIR,—I have the honor to acqaint you, for the information of your Government, that His Excellency the Governor General has had under his consideration in Council the Acts passed by the Legislature of the Province of British Columbia at the Session of 1886. I have now to state that His Excellency has been advised that the said Acts, the Chapters and titles of which are given in the annexed schedule, be left to their operation.

I also transmit you herewith copy of the Order in Council upon the subject and of the Report of the Honorable the Minister of Justice therein referred to.

I have, &c.,

(Signed) J. A. CHAPLEAU
Secretary of State.

His Honor
The Lieutenant Governor of British Columbia,
Victoria, B.C.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, VICTORIA, B.C., 25th April, 1887.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 15th April and its enclosures, referring to the Acts passed by the Legislature of the Province of British Columbia in the Session of 1886, and beg to inform you that I have forwarded a copy of the despatch and the enclosures to my Executive Council.

I have, &c.,

(Signed) HUGH NELSON,
Lieutenant Governor.

The Hon. the Secretary of State,
Ottawa.

BRITISH COLUMBIA—51ST VICTORIA, 1887.

1ST SESSION—5TH GENERAL ASSEMBLY.

Report of the Hon. the Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 10th April, 1888.

To His Excellency the Governor General in Council:

The undersigned, having had under consideration the Statutes of the Province of British Columbia, passed in the year 1887, the Chapters and titles of which are given in the annexed schedule, respectfully recommends that the said Statutes, with the exception of Chapter 7, intituled: "An Act to establish a Court of Appeal from the summary decisions of Magistrates," be left to their operation.

Chapter 7, the Chapter referred to, provides in effect that any person who thinks himself aggrieved by any conviction made under a Statute of Canada may appeal to any judge of the Supreme Court of British Columbia. This legislation is clearly at variance with the provisions of the "British North America Act," section 91, subsection 27, it being legislation affecting procedure in criminal matters. It is for the Dominion Parliament alone to say how a conviction made under the provisions of a Dominion Statute shall be dealt with, whether it shall be a final or an appealable decision.

In addition to this, the Statute in question is at variance with the provisions of the Summary Convictions Act, section 76.

As any proceedings under these provisions might be highly prejudicial to the interests of parties accused of offences against the Canadian Law, it is expedient, in the opinion of the undersigned that the Act in question should be disallowed.

The undersigned therefore recommends that Chapter 7 of the Statutes of the Province of British Columbia, passed in the year 1887, intituled: "An Act to establish a Court of Appeal from the Summary Decisions of Magistrates," be disallowed.

Respectfully submitted.

(Signed) JNO. S. D. THOMPSON,
Minister of Justice.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 19th April*, 1888.

The Committee of the Privy Council have had under consideration a Report dated 10th April, 1888, from the Minister of Justice upon the Statutes of the Province of British Columbia passed in the year 1887, the Chapters and titles of which are given in the annexed schedule, and they advise, on the recommendation of the Minister of Justice, that the said Statutes, with the exception of Chapter 7, intituled: "An Act to establish a Court of Appeal from the Summary Decisions of Magistrates," be left to their operation.

The Committee further advise that the Secretary of State be authorized to transmit a copy of this Minute to the Lieutenant Governor of British Columbia for the information of his Government.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

To the Hon. the Minister of Justice.

SCHEDULE.

Acts of British Columbia, 1887.

Chap. 1. An Act respecting Absconding Debtors.

Chap. 2. An Act respecting Executors, Trustees and Assignees for the benefit of Creditors.

Chap. 3. An Act to amend the "Bush Fire Act, 1874."

Chap. 4. An Act to amend "An Act to provide for the better protection of Cattle Ranges, 1876."

Chap. 5. An Act to amend the "Companies Act, 1878."

Chap. 6. An Act respecting the expenses of Coroners' inquests held within municipalities.

Chap. 8. An Act to amend the Assize Court Act, 1885.

Chap. 9. An Act to amend the "County Court Jurisdiction Act, 1885."

Chap. 10. An Act to regulate the practice and procedure of the Supreme Court.

Chap. 11. An Act respecting the Estates and to control the Civil Rights of Habitual Drunkards.

Chap. 12. An Act to repeal (in part) the "Sumas Dyking Act, 1878."

Chap. 13. An Act to abolish preference amongst Creditors in the administration of the estates of deceased persons.

Chap. 14. An Act to amend the Law of Evidence.

Chap. 15. An Act for the better protection of Animals and Birds.

Chap. 16. An Act to amend the "Jurors' Act, 1883."

Chap. 17. An Act to amend the "Land Act, 1884."

Chap. 18. An Act to further amend the "Land Registry Ordinance, 1870."

Chap. 19. An Act to authorize a loan of $1,000,000.

Chap. 20. An Act respecting the property of married women.

Chap. 21. An Act to amend the "British Columbia Medical Act, 1886."

Chap. 22. An Act to amend the "Mineral Act, 1884," and amending Acts.

Chap. 23. An Act to amend the "Municipality Act, 1881," and amending Acts.

Chap. 24. An Act to aid the development of Quartz Mines.

Chap. 25. An Act respecting a grant of land to the Kootenay and Athabasca Railway Company, British Columbia.

Chap. 26. An Act to authorize the granting of a certain subsidy for and in aid of the construction of the Shuswap and Okanagan Railway.

Chap. 27. An Act to amend the Public School Act, 1885.

Chap. 28. An Act to amend certain Statutes.

Chap. 29. An Act to amend an Act respecting the consolidation of the Statute Laws of British Columbia.

Chap. 30. An Act for granting certain sums of money for the Public Service of the Province of British Columbia.

Chap. 31. An Act to prohibit the owners of Swine from permitting the same to run at large on public roads.

Chap. 32. An Act to amend the Assessment Acts.

Chap. 33. An Act for the Preservation of the Peace within the Municipal limits of the City of Vancouver.

Private Acts.

Chap. 34. An Act to incorporate the Delta Railway Company.

Chap. 35. An Act to incorporate the Kootenay and Athabasca Railway Company.

Chap. 36. An Act to incorporate the New Westminster Southern Railway Company.

Chap. 37. An Act to amend the "Vancouver Incorporation Act, 1886."

Chap. 38. An Act to enable the Trustees of the Victoria Fire Department Charitable Association to distribute the assets of the said Association among the members thereof.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 19th April,* 1888.

The Committee of the Privy Council have had under consideration a Report dated 10th April, 1888, from the Minister of Justice upon Chapter 7, of the Statutes of British Columbia, passed in the year 1877, intituled: "An Act to establish a Court of Appeal from the Summary Decisions of Magistrates," stating that the said Statute provides in effect that any person who thinks himself aggrieved by any conviction made under a Statute of Canada may appeal to any Judge of the Supreme Court of British Columbia. That this legislation is clearly at variance with the provisions of the British North America Act, 1867, Section 91, sub-section 27, it being legislation affecting procedure in criminal matters. That it is for the Dominion Parliament alone to say how a conviction made under the provisions of a Dominion Statute shall be dealt with, whether it shall be a final or an appealable decision, and that in addition to this, the Statute in question is at variance with the provisions of the Summary Convictions Act, Section 76.

The Minister observes that as any proceedings under these provisions might be highly prejudicial to the interests of parties accused of offences against the Canadian Law, it is expedient in his opinion that the Act in question should be disallowed.

The Minister therefore recommends that Chapter 7 of the Statutes of the Province of British Columbia passed in the year 1887, intituled: "An Act to establish a Court of Appeal from the Summary Decisions of Magistrates," be disallowed.

The Committee advise that the said Act be disallowed accordingly, and that the Secretary of State be authorized to transmit a copy of this Minute to the Lieutenant Governor of British Columbia for the information of his Government.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

To the Hon. the Minister of Justice,
Ottawa.

Proclamation Disallowing Chapter 7.

GOVERNMENT HOUSE, OTTAWA, Thursday, 19th day of April, 1888.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas the Lieutenant-Governor of the Province of British Columbia, with the Legislative Assembly of that Province, did, on the 7th day of April, 1887, pass an Act which has been transmitted, chaptered 7, and intituled: "An Act to establish a Court of Appeal from the Summary Decisions of Magistrates;"

And whereas the said Act has been laid before the Governor in Council, together with a Report from the Minister of Justice recommending that the said Act should be disallowed:

His Excellency the Governor General has, thereupon, this day, been pleased, by and with the advice of the Queen's Privy Council for Canada, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of British Columbia and all other persons whom it may concern are to take notice and govern themselves accordingly.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

I, Sir Henry Charles Keith Petty-Fitzmaurice, Marquis of Lansdowne, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of British Columbia on the 7th day of April, 1887, chaptered 7, and intituled: "An Act to establish a Court of Appeal from the Summary Decisions of Magistrates," was received by me on the 23rd day of April, 1887.

Given under my hand and seal this 19th day of April, 1888.

(Signed) LANSDOWNE.

CORRESPONDENCE, &c., RESPECTING PROVISION FOR SALARIES OF PRIVATE SECRETARY AND MESSENGER OF LIEUTENANT GOVERNOR OF PRINCE EDWARD ISLAND.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, CHARLOTTETOWN, P. E. I., 27th November, 1884.

SIR,—There is no local statute in this Province defining the items of expenditure the Provincial Government should defray in connection with the office, residence or position of Lieutenant Governor.

The Local Legislature at its last Session made no provision for continuing beyond the 1st of July last, the small salaries of $325 to the Lieutenant Governor's Private Secretary and $200 to his Messenger, which up to that time had always been paid out of the Provincial Treasury, and the Lieutenant Governor has been obliged to provide for the payment of those officials out of his own salary since his appointment on the 1st August last.

Where there is neither a general nor Provincial Statute regulating this matter, and where even the ordinary provision is liable without apparent reason to cease at any moment, it is very likely to lead to unpleasant relations between the officer administering the Government and his advisers. I desire to avoid any disagreement of this nature, but I deem it my duty to require that the status of the Lieutenant Governor's Department should be maintained in this Province as efficiently, relatively to its importance, as in the other Provinces of the Dominion.

Government House and the principal part of the furniture is here kept in repair by the Local Government, but the Lieutenant Governor has to provide fuel and light for the establishment at his own cost, while in other Provinces these expenses, and others also, are defrayed by the Province.

It is desirable that there should be some uniformity in the items each Province should supply in such cases, as the Lieutenant Governor of one Province should not be required to defray out of his salary expenses which in other Provinces are paid out of the public treasury.

This seems to be a subject that should be arranged between the Dominion and Local Governments on some general principle which would apply alike to all the Provinces.

I will thank you to inform me if there is any rule or regulation of the service defining the provision that Local Governments are required to make for defraying the expenses connected with the Lieutenant Governor's office.

If there is no regulation of the service on this subject, I would be pleased to have your instructions or advice as to what action should be taken in the premises.

I have, &c.,

(Signed) A. A. MACDONALD,
Lieutenant Governor.

The Hon. The Secretary of State,
Ottawa.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF STATE, OTTAWA, 3rd December, 1884.

SIR,—I have the honor to acknowledge the receipt of your despatch No. 13, of the 27th ultimo, requesting to be informed if there is any rule or regulation of the public service in Canada defining the provision that Local Governments are required to make for defraying the expenses connected with the Lieutenant Governor's office, and in the event of there being no such regulation on the subject to be advised what

action to take under the circumstances detailed by you, and to state that the matter will receive due consideration.

I have, &c.,

(Signed) G. POWELL,
Under Secretary of State.

His Honor
The Lieutenant Governor of Prince Edward Island,
Charlottetown, P.E.I.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, P.E.I., Charlottetown, 28th February, 1885.

SIR,—I have the honor to inform you that beyond the acknowledgment of its receipt, I have not yet received any reply to my despatch No. 13, of the 27th November last, having reference to the payment out of the salary of the Lieutenant Governor of this Province of amounts which before my appointment to that office were paid out of the public treasury, and which in the other Provinces of Canada form no part of the expenditure which Lieutenant Governors are called upon to defray.

As the Local Legislature is summoned to meet on the 11th of March, I would wish to be informed before that date of what you would advise in the matter in default of any regulation of the service on the subject.

I have, &c.,

(Signed) A. A. MACDONALD,
Lieutenant Governor.

The Hon. The Secretary of State,
Ottawa.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF STATE, OTTAWA, 7th March, 1885.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 28th ultimo, relative to the payment out of the salary of the Lieutenant Governor of Prince Edward Island of certain amounts which, prior to your appointment, were paid out of the public treasury, and to state that the matter will receive due consideration.

I have, &c.,

(Signed) G. POWELL,
Under Secretory of State.

His Honor
The Lieutenant Governor of Prince Edward Island,
Charlottetown, P.E.I.

Deputy Minister of Finance to Under Secretary of State.

FINANCE DEPATMENT, CANADA, OTTAWA, 12th March, 1885.

SIR,—I beg to inform you that your fyle No. 3979 of 1835, *re* the payment out of the salary of the Lieutenant Governor of Prince Edward Island of amounts which previous to his appointment were paid out of the public treasury, has been referred to the Honorable the Minister of Finance, and I shall be obliged if you will kindly furnish me at your earliest convenience with a copy of the Despatch No. 13 of the 27th November last referred to in the despatch of the Lieutenant Governor of Prince Edward Island accompanying above fyle of papers.

I have, &c.,

J. M. COURTNEY,
Deputy Minister of Finance.

The Under Secretary of State,
Ottawa.

Under Secretary of State to Deputy Minister of Finance.

DEPARTMENT OF STATE, OTTAWA, 19th March, 1885.

SIR,—With reference to your letter of the 12th inst., I have the honor to inform you that a copy of the Despatch No. 13 of the 27th November last from the Lieutenant Governor of Prince Edward Island, relating to payments of amounts which, previous to his appointment were paid out of the Public Treasury, was referred to the Privy Council on the 3rd December, 1884, and is at present before them.

I would therefore suggest that you should make application to the Clerk of the Privy Council for the information you claim.

I have, &c.,

(Signed) GRANT POWELL,
Under Secretary of State.

The Deputy Minister of Finance,
Ottawa.

Report of the Hon. the Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 24th March, 1885.

To His Excellency the Governor General in Council :

The undersigned has the honor to report upon the despatch, No. 13, to the Secretary of State from the Lieutenant Governor of Prince Edward Island, dated the 27th of November, 1884, calling attention to the fact that the Local Legislature, at the session of 1884, made no provision for continuing beyond the 1st of July last the small salaries of $325 to the Lieutenant Governor's private secretary and $200 to his messenger, which up to that time had always been paid out of the Provincial Treasury, but for which the Lieutenant Governor has since been obliged to make provision out of his own salary. The Lieutenant Governor states that where, as in this case, there is no statute regulating the matter, and the ordinary provision is liable withrout apparent reason to cease at any moment, it is very likely to lead to unpleasant relations between the officer administering the Government and his advisers, and that while devising to avoid any disagreement, he deems it his duty to require that the status of the Lieutenant Governor's department should be maintained in the Province of Prince Edward Island as efficiently, relatively to its importance, as in the other Provinces of the Dominion.

He adds that Government House and the principal part of the furniture there is kept in repair by the Local Government, but that the Lieutenant Governor has to provide fuel and light for the establishment at his own cost, while in the other Provinces these expenses, and others also, are defrayed by the Province.

The Lieutenant Governor further states that it is desirable that there should be some uniformity in the items each Province should supply in such cases, and the Lieutenant Governor of one Province should not be required to defray out of his salary expenses which in other Provinces are paid out of the public treasury, and that this seems to be a subject which should be arranged between the Dominion and Local Governments on some general principle which would apply alike to all the Provinces and he concludes by asking to be informed whether or not there is any regulation of the service depriving the provision that Local Governments are required to make for defraying the expenses connected with the Lieutenant Governor's office, and that if there is no such regulation that he be advised as to what action should be taken in the premises.

The undersigned is not aware of any such regulation, and it is at least doubtful whether a uniform rule can be secured. Subject to any special engagement or undertaking each Legislature must judge for itself as to the manner in which it will expend its revenue and deal with its property, and it is not to be expected that all

the Legislatures will be moved by the same considerations or will make equally liberal provisions for the services mentioned. At the same time the Government of Canada cannot fail to be interested in knowing that the position and office of the Lieutenant Governors are properly maintained, and it had, the undersigned thinks, a right to expect that after the union of the Province of Prince Edward Island with Canada, the Province would continue to make provision for the salaries of the Lieutenant Governor's Secretary and Messenger as formerly.

The undersigned therefore recommends that if this Report is approved, the Lieutenant Governor be requested to communicate to his Government the views of His Excellency's Government on this subject, and to inform them that His Excellency will be gratified to learn that the Government of the Province see their way to inviting the Legislature to make provision for the salaries of the Lieutenant Governor's Secretary and Messenger as formerly.

(Signed) A. CAMPBELL,
Minister of Justice.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 6th April*, 1885.

The Committee of the Privy Council have had under consideration two despatches dated respectively 27th November, 1884, and 28th February, 1885, from the Lieutenant Governor of Prince Edward Island, calling attention to the fact that the Local Legislature at the Session of 1884 made no provision for continuing beyond the 1st July last the small salaries of $325 to the Lieutenant Governor's Private Secretary, and $200 to his Messenger, which up to that time had always been paid out of the Provincial Treasury; but for which the Lieutenant Governor has since been obliged to make provision out of his own salary.

The Minister of Justice to whom the despatches were referred, observes that by the statement of the Lieutenant Governor that "whereas in this case there is no Statute regulating the matter, and the ordinary provision is liable without apparent reason to cease at any moment, it is so very likely to lead to unpleasant relations between the officers administering the Government and his advocate, and that while desiring to avoid any disagreement he deems it his duty to require that the status of the Lieutenant Governor's department should be maintained in the Province of Prince Edward Island as efficiently relatively, to its importance, as in the other Provinces of the Dominion.

"The Lieutenant Governor adds, that Government House and the principal part of the furniture there, is kept in repair by the Local Government, but that the Lieutenant Governor has to provide fuel and light for the establishment at his own cost, while in the other Provinces these expenses, and others also are defrayed by the Province."

The Lieutenant Governor further states "that it is desirable that there should be some uniformity in the items, each Province should supply in such cases, and the Lieutenant Governor of one Province should not be required to defray out of his salary expenses, which in other Provinces are paid out of the Public Treasury; and that this seems to be a subject which should be arranged between the Dominion and and Local Governments on some general principle, which would apply alike to all the Provinces, and he concludes by asking to be informed whether or not there is any regulation of the service defining the provision that Local Government are required to make for defraying the expenses connected with the Lieutenant Governor's office; and that if there is no such regulation that he would be advised as to what action should be taken in the premises."

The Minister of Justice is not aware of any such regulation and it is at least doubtful whether a uniform rule can be secured—subject to any special engagement or undertaking; each Legislature must judge for itself as to the manner in which it will expend its revenue and deal with its property, and it is not to be expected that

all the Legislatures will be moved by the same considerations or will make equally liberal provisions for the services mentioned:

At the same time the Government of Canada cannot fail to be interested in knowing that the position and office of the Lieutenant Governors are properly maintained, and it had, the Minister of Justice thinks, a right to expect that after the union of the Province of Prince Edward Island with Canada the Province would continue to make provision for the salaries of the Lieutenant Governor's Secretary and Messenger as formerly.

The Committee concur in the Report of the Minister of Justice and they recommend that if this Minute be approved, the Secretary of State advise the Lieutenant Governor of Prince Edward Island to communicate to his Government the views of Your Excellency's Government on this subject, and to inform them that Your Excellency will be gratified to learn that the Government of the Province see their way to inviting the Legislature to make provision for the salaries of the Lieutenant Governor's Secretary and Messenger as formerly.

All which is respectfully submitted for Your Excellency's approval.

(Signed), JOHN J. McGEE.
Clerk, Privy Council.

Secretary o State to Lieutenant Governor.

DEPARTMENT OF STATE, OTTAWA, 15th April, 1885.

SIR,—I have the honor to acquaint you for the information of your Government, that His Excellency the Governor General has had under his consideration in Council two despatches from you, numbered 13 and 26 respectively and dated respectively the 27th of November, 1884, and the 28th of February, 1885, in which you call the attention of the Government to the fact that the Local Legislature at the Session of 1884 made no provision for continuing beyond the 1st of July last the small salaries of $325 to the Lieutenant Governor's Private Secretary, and $200 to his Messenger, which up to that time had always been paid out of the Provincial Treasury, but for which the Lieutenant Governor has since been obliged to make provision out of his own salary. In the former despatch you observe that "where, as in this case, there is no Statute regulating the matter, and the ordinary provision is liable without apparent reason to cease at any moment it is very likely to lead to unpleasant relations between the officer administering the Government and his advisers, and that while desiring to avoid any disagreement you deem it your duty to require that the status of the Lieutenant Governor's Department should be maintained in the Province of Prince Edward Island as efficiently, relatively to its importance, as in the other Provinces of the Dominion." You add "that Government House and the principal part of the furniture is kept in repair by the Local Government, but that the Lieutenant Governor has to provide fuel and light for the establishment at his own cost while in the other Provinces these expenses and others also are defrayed by the Province."

You further state "that it is desirable that there should be some uniformity in the items each Province should supply in such cases and the Lieutenant Governor of one Province should not be required to defray out of his salary expenses which in other Provinces are paid out of the Public Treasury, and that this seems to be a subject which should be arranged between the Dominion and Local Governments on some general principle which would apply alike to all the Provinces," and you conclude by asking to be informed "whether or not there is any regulation of the service defining the provision that Local Governments are required to make for defraying the expenses connected with the Lieutenant Governor's office, and that if there is no such regulation that you be advised as to what action should be taken in the premises."'

I have now to state that His Excellency's advisers are not aware of any such regulation and it is at least doubtful whether a uniform rule can be secured. Subject to any special engagement or understanding each Legislature must judge for it-

self as to the measure in which it will expend its revenue and deal with its property, and it is not to be expected that all the Legislatures will be moved by the same considerations or will make equally liberal provisions for the services mentioned.

I have, at the same time, to acquaint you, for the information of your Government, that the Government of Canada cannot fail to be interested in knowing that the position and office of the several Lieutenant Governors are properly maintained, and the Government had, His Excellency thinks, a right to expect that after the union of the Province of Prince Edward Island with Canada, the Province would continue to make provision for the salaries of the Lieutenant Governor's secretary and messenger as formerly.

I have to request that you may be pleased to communicate to your advisers the views of His Excellency's Government on this subject, and to inform them that His Excellency will be gratified to learn that the Government of the Province of Prince Edward Island see their way to inviting the Legislature to make provision for the salaries of the Lieutenant Governor's secretary and messenger as formerly.

I have, &c.,

(Signed) J. A. CHAPLEAU,
Secretary of State.

His Honor
The Lieutenant Governor of Prince Edward Island,
Charlottetown, P. E. I.

PRINCE EDWARD ISLAND—48TH VICTORIA, 1885.

3RD SESSION—29TH GENERAL ASSEMBLY.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, P. E. I., CHARLOTTETOWN, 8th July, 1885.

SIR,—I have the honor to inform you that I have this day mailed to your address at Ottawa duly sealed and certified in duplicate seventeen Acts passed in the last Session (1885) of the General Assembly of this Province and assented to by me, numbered from one to seventeen inclusive.

(Signed) A. A. MACDONALD.
Lieutenant Governor.

The Honorable the Secretary of State,
Ottawa.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 14th July, 1885.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 8th inst., transmitting seventeen certified copies of Acts passed at the last Session (1885) of the General Assembly of the Province of Prince Edward Island, numbered from one to seventeen inclusive.

The copies requested have also been received.

I have, &c.,

(Signed) G. POWELL,
Under Secretary of State.

His Honor
The Lieutenant Governor,
Charlottetown, P. E. I.

Report of the Hon. the Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 25th February, 1886.

To His Excellency the Governor General in Council:

The undersigned having had under consideration the Acts of the Legislature of the Province of Prince Edward Island passed in the Session held in the year 1885, which Acts are mentioned in the Schedule hereto, respectfully recommends that they be left to their operation.

In making this recommendation the undersigned desires, however, to observe that by Section 24 of Chapter 10, intituled: "An Act to incorporate the Telephone Company of Prince Edward Island," it is provided that any person who shall wilfully or maliciously injure, molest or destroy any of the lines, posts or other material, or property of the Company, shall be liable for each offence to a fine not exceeding $20.

Provision is made for the punishment of such an offence as this by the criminal law of Canada relating to malicious injuries to property.

The undersigned recommends that the attention of the Lieutenant Governor of Prince Edward Island be called to this section with a view to its amendment.

All of which is respectfully submitted.

(Signed), JOHN S. D. THOMPSON,
Minister of Justice.

SCHEDULE.

Chap. 1. An Act to amend "An Act further to amend the Act to regulate the registry of deeds and instruments relating to the title of land and to repeal the laws heretofore passed for that purpose."

Chap. 2. An Act to incorporate the Charlottetown Mutual Fire Insurance Company.

Chap. 3. An Act for appropriating certain moneys therein mentioned for the service of the year of our Lord one thousand eight hundred and eighty-five.

Chap. 4. An Act to further amend "An Act respecting the garnishment of debts."

Chap. 5. An Act to incorporate the Charlottetown Water Works Company.

Chap. 6. An Act to continue certain Acts therein mentioned.

Chap. 7. An Act respecting the Village of Kensington, Prince County.

Chap. 8. An Act in further amendment of "An Act to incorporate the City of Charlottetown."

Chap. 9. An Act to incorporate the Prince Edward Island Agricultural Mutual Fire Insurance Company.

Chap. 10. An Act to incorporate the Telephone Company of Prince Edward Island.

Chap. 11. An Act to incorporate the Charlottetown Conference of Saint Vincent de Paul Society.

Chap. 12. An Act to amend an Act intituled: "An Act for the incorporation of the Charlottetown Woollen Company."

Chap. 13. An Act to incorporate the Presbyterian and Evangelical Protestant Union Printing and Publishing Company.

Chap. 14. An Act to incorporate the Temperance Alliance, King's County.

Chap. 15. An Act to incorporate the Cavendish Hall Company.

Chap. 16. An Act securing to Baptist Churches of Prince Edward Island the benefits of incorporation.

Chap. 17. An Act to enable the Minister and Trustees of the Free Church Congregation in the City of Charlottetown to sell certain lands.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 6th March,* 1886.

The Committee of the Privy Council have had before them a Report dated 25th February, 1886, from the Minister of Justice with respect to the Acts passed by the Legislature of the Province of Prince Edward Island in the Session held in the year 1885.

The Committee advise, on the recommendation of the Minister of Justice, that the power of disallowance be not exercised with respect to any of the said Acts, numbered from 1 to 17 inclusive.

The Committee further advise that a despatch be forwarded by the Secretary of State to the Lieutenant Governor, directing his attention to the observations in the said Report on Chapter 10 of the above mentioned Acts, intituled: "An Act to incorporate the Telephone Company of Prince Edward Island."

All which is respectfully submitted for Your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

Secretary of State to Lieutenant Governor.

DEPARTMENT OF STATE, OTTAWA, 16th March, 1885.

SIR,—I have the honor to acquaint you, for the information of your Government, that His Excellency the Governor General has had under his consideration in Council the Acts passed by the Legislature of the Province of Prince Edward Island during the Session held in the year 1885.

His Excellency is advised that the power of disallowance be not exercised with respect to any of the said Acts, numbered from 1 to 17 inclusive.

I have, however, to request you to invite the attention of your Government to Section 24 of Chapter 10 of the said Acts, intituled: "An Act to incorporate the Telephone Company of Prince Edward Island," wherein it is provided that any person who shall wilfully or maliciously injure, molest or destroy any of the lines, posts or other material or property of the Company shall be liable for each offence to a fine not exceeding $20, and to remind them that provision is made for the punishment of such an offence as this by the criminal law of Canada relating to malicious injury to property. I would suggest therefore the amendment of the Act by the omission of the clause referred to.

I have, &c.,

(Signed) J. A. CHAPLEAU,
Secretary of State.

His Honor
The Lieutenant Governor of P. E. Island,
Charlottetown, P. E. I.

PRINCE EDWARD ISLAND—49TH VICTORIA, 1886.

4TH SESSION—30TH GENERAL ASSEMBLY.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, CHARLOTTETOWN, P.E.I., 7th September, 1886.

SIR,—I have the honor to inform you that I have herewith mailed to your address at Ottawa two certified and sealed sets of "folio laws" passed at the last Session (1886) of the Legislature of this Province and assented to by me and numbered from Chapter I to Chapter 19, inclusive.

I have, &c.,

(Signed) A. A. MACDONALD,
Lieutenant Governor.

The Hon. the Secretary of State,
Ottawa.

Under Secretary of State to Lientenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 14th October, 1886.

SIR,—I have the honor to acknowledge the receipt of your despatch No. 106, of the 7th ult, and of the certified copies of the Bills passed at the last Session (1886) of the Legislature of Prince Edward Island and to state that the matter will receive consideration.

I have, &c.,

(Signed) G. POWELL,
Under Secretary of State.

To His Honor
The Lieutenant Governor of Prince Edward Island,
Charlottetown, P.E.I.

General Report of the Hon. the Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 30th March, 1887.

To His Excellency the Governor General in Council:

The undersigned has the honor to report upon the Acts passed by the Legislature of the Province of Prince Edward Island in the Session of 1886, authentic copies of which were received by the Secretary of State on the 12th October last.

The 9th, 15th, 16th, 17th, 18th and 20th sections of the Act, 49th Victoria Chapter 4, intituled: "An Act respecting the Public Health," deal with the subject of quarantine, which by the 11th paragraph of the 91st section of the British North America Act, 1867," is exclusively within the Legislative authority of the Parliament of Canada, and in respect to which Parliament has exercised its powers of Legislation. (R. S. C., c. 68).

The undersigned recommends that the attention of the Lieutenant Governor of Prince Edward Island be called to the matter, with a view to steps being taken to repeal the sections mentioned, and that the further consideration of the Act by Your Excellency in Council be for the present deferred.

The undersigned having considered the other Acts of the Legislature of Prince

Edward Island, passed in the Session of 1886, the titles and Chapters of which are given in the annexed schedule, recommends that they be left to their operation, and that the Lieutenant Governor be informed thereof.

(Signed) J. S. D. THOMPSON,
Minister of Justice.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by his Excellency the Governor General in Council on the 5th April,* 1887.

The Committee of the Privy Council have had under consideration a Report, dated 30th March, 1887, from the Minister of Justice upon the Acts passed by the Legislature of the Province of Prince Edward Island in the Session of 1886, authentic copies of which were received by the Secretary of State on the 12th October last.

The Minister represents that the 9th, 15th, 16th, 17th, 18th and 20th Sections of the Act 49th Victoria, Chapter 4, intituled: "An Act respecting the Public Health," deal with the subject of quarantine, which by the 11th paragraph of the 91st Section of "The British North America Act, 1867," is exclusively within the legislative authority of the Parliament of Canada, in respect to which Parliament has exercised its powers of legislation (R.S.C., c. 68).

The Minister recommends that the attention of the Lieutenant Governor of Prince Edward Island be called to the matter, with a view to steps being taken to repeal the sections mentioned, and that further consideration of the Act by Your Excellency in Council be for the present deferred.

The Minister, having considered the other Acts of the Legislature of Prince Edward Island passed in 1886, the titles and chapters of which are given in a annexed Schedule, recommends that they be left to their operation, and that the Lieutenant Governor be so informed.

The Committee submit the foregoing recommendations for Your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

SCHEDULE.

PRINCE EDWARD ISLAND ACTS, 1886.

Chap. 1. An Act to amend the Public Roads Act, 1879.

Chap. 2. An Act to regulate the practice of the Supreme Court in cases of Replevin.

Chap. 3. An Act respecting Vaccination.

Chap. 5. An Act to amend the Common Law Procedure Act, 1873.

Chap. 6. An Act to define the operation of certain Judgment Liens.

Chap. 7. An Act for appropriating certain moneys therein mentioned, for the service of the year of Our Lord one thousand eight hundred and eighty-six.

Chap. 8. An Act to amend an Act to incorporate the City of Charlottetown, and to make other provisions.

Chap. 9. An Act to amend an Act to incorporate the Telephone Company of Prince Edward Island.

Chap. 10. An Act to amend an Act respecting the Village of Kensington.

Chap. 11. An Act to consolidate and amend the Acts incorporating the Town of Summerside.

Chap. 12. An Act to incorporate the Prince Edward Island Electric Company.

Chap. 13. An Act to amend an Act to incorporate the Trustees of the Orwell Head Congregation in connection with the Church of Scotland.

Chap. 14. An Act to amend and consolidate the Acts referring to the affairs of St. James Presbyterian Church, Charlottetown.

Chap. 15. An Act to incorporate the Middleton Hall Company.

Chap. 16. An Act to incorporate the New Glasgow Hall Company.

Chap. 17. An Act to vest the title of a certain tract of land in Charlottetown, in Patrick Blake and Maurice Blake.

Chap. 18. An Act to vest the title of a certain tract of land in Archibald Kennedy, Esquire.

Chap. 19. An Act to vest the title of a certain tract of land in Wood Islands, in Archibald Bell and Malcolm Bell as tenants in common.

Secretary of State to the Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 18th April, 1887.

SIR,—I have the honor to acquaint you for the information of your Government that His Excellency the Governor General has had under his consideration in Council the Acts passed by the Legislature of the Province of Prince Edward Island in the Session of 1886, authentic copies of which were received by me on the 12th October last.

His Excellency, I have now to state, is advised that the 9th, 15th, 16th, 17th, 18th and 20th sections of the Act 49 Victoria, Chapter 4, "respecting the Public Health," deals with the subject of Quarantine, which by the 11th paragraph of the 91st section of the British North America Act, 1867, is exclusively within the legislative authority of the Parliament of Canada, and in respect to which Parliament has exercised its powers of Legislation (R.S.C., c. 68).

I have therefore to invite your attention to this matter with a view to steps being taken to repeal the sections mentioned, further consideration of the Act by His Excellency the Governor General in Council being for the present deferred.

Respecting the other Acts of the Legislature of Prince Edward Island passed in 1886, the titles and Chapters of which are given in the schedule hereto, His Excellency is advised that they be left to their operation.

I have, &c.,

J. A. CHAPLEAU,
Secretary of State.

His Honor
The Lieutenant Governor of Prince Edward Island.

DEPARTMENT OF JUSTICE, OTTAWA, 8th August, 1887.

To His Excellency the Governor General in Council:

Adverting to his Report of the 30th March last upon the Acts passed by the Legislature of the Province of Prince Edward Island in the Session of 1886, the undersigned has the honor to report that by the Act of that Legislature, 50 Victoria, Chapter 5, intituled: "An Act to amend an Act respecting the Public Health," sections 9, 15, 16, 17, 18 and 20 of the Act of the same Legislature, 49 Victoria, Chapter 4, intituled: "An Act respecting the Public Health," were repealed and to recommend that the Act last mentioned be left to its operation.

(Signed) JNO. S. D. THOMPSON,
Minister of Justice.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 13th August*, 1887.

On a Memorandum dated 8th August, 1887, from the Minister of Justice adverting to the Order in Council of the 5th April last upon the Acts passed by the Legislature of the Province of Prince Edward Island in the Session of 1886, and reporting that by the Act of that Legislature, 50 Victoria, Chapter 5, intituled: "An Act to amend an Act respecting the Public Health," sections 9, 15, 16, 17, 18, and 20 of the Act of the same Legislature, 49 Victoria, Chapter 4, intituled: "An Act respecting the Public Health" were repealed.

The Minister recommends that the Act last mentioned be left to its operation.

The Committee submit the same for Your Excellency's approval.

(Signed), JOHN J. McGEE,
Clerk, Privy Council.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 26th August, 1887.

SIR,—Adverting to Mr. Chapleau's letter of the 18th April last relating to the Acts passed by the Legislature of the Province of Prince Edward Island in the Session of 1886, I have the honor to acquaint you for the information of your Government that His Excellency the Governor General is advised that by the Act of that Legislature, 50 Victoria, Chapter 5, intituled: "An Act to amend an Act respecting the Public Health," Sections 9, 15, 16, 17, 18 and 20, of the Act of the same Legislature, 49 Victoria, Chapter 4, intituled: "An Act respecting the Public health" were repealed.

His Excellency is therefore advised that the Act last mentioned be left to its operation.

I have, &c.,

(Signed), HENRY J. MORGAN,
Acting Under Secretary of State.

To His Honor,
The Lieutenant Governor of Prince Edward Island,
Charlottetown, P. E. I.

Lieutenant Governor to Under Secretary of State.

GOVERNMENT HOUSE, CHARLOTTETOWN, P. E. I., 12th September, 1887.

SIR,—I have the honor to acknowledge the receipt of your dispatch No. 4994 on 26725 of 26th ultimo, acquainting me for the information of my Government that His Excellency the Governor General being advised that by the Act of the Provincial Legislature, 50 Victoria, Chapter 5, intituled: "An Act to amend an Act respecting the Public Health," Sections 9, 15, 16, 17, 18 and 20 of the Act of same Legislature, 49 Victoria, Chapter 4, intituled: "An Act respecting the Public Health," were repealed, His Excellency has therefore been advised that the last mentioned Act be left to its operation.

I have, &c.,
A. A. MACDONALD,
Lieutenant Governor.

The Honorable the Secretary of State,
Ottawa.

NORTH-WEST TERRITORIES—1884.

Lieutenant Governor to Secretary of State.

LIEUTENANT GOVERNOR'S OFFICE, REGINA, 2nd FEBRUARY, 1885.

SIR,—Among the Ordinances passed at the last Session of the North-West Council, transmitted to your Department on the 13th August last, there is one relating to schools, which I desire to bring under the special notice of the Government.

The authority of Council for passing this Ordinance is derived from section 10 of "The North-West Territories Act, 1880," but when the subject was under consideration doubts were raised by some of the members as to the power of the Council to enact a measure on education, the provisions of which could be enforced in parts of the Territories where no system of taxation exists. In view, however, of the urgent necessity of an Ordinance on the subject, applicable to the whole of the Territories, the present one was passed. Since its publication, in October last, over thirty applications have been made to me for organization under its provisions, and more are coming in by every mail. Of the number just mentioned twenty-five are from parts of the Territories where no system of taxation exists.

In view, therefore, of the importance of the subject, and the serious complications it would lead to, should the constitutionality of the Ordinance be raised, I think it would be well that the question be submitted to the Minister of Justice, and if doubts were found to exist as to the power of the Council, in this respect, I would respectfully suggest that such doubts be removed by Act of Parliament, in the manner done once before, with regard to the Ordinances of 1881, (*vide* Chapter 28, 45 Victoria); or confirmed, if deemed necessary.

I have, &c.,

(Signed) E. DEWDNEY.
Lieutenant Governor.

The Honorable the Secretary of State,
Ottawa.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF STATE, OTTAWA, 11th February, 1885.

SIR,—I have the honor to acknowledge the receipt of your Despatch of the 2nd instant, in which you desire to bring under the special notice of the Government a certain Ordinance relating to schools in the North-West Territories, a copy of which Ordinance you enclose; and to state that the matter will receive due consideration.

I have, &c.,

(Signed) G. POWELL,
Under Secretary of State.

His Honor
The Lieutenant Governor of the North-West Territories,
Regina, N.W.T.

Deputy Minister of the Interior to Deputy Minister of Justice.

DEPARTMENT OF THE INTERIOR, OTTAWA, 1st May, 1885.

DEAR MR. BURBIDGE,—I understood you to say in course of conversation the other day that you were preparing an amendment to the North-West Territories Act,

designed to set at rest any doubt which may exist as to the power of the North-West Council to enact the measure on education passed at their last meeting, the provisions of which the Council doubt if they can enforce in parts of the Territories where no system of education exists.

With a view to enable the Minister to deal with a reference from Council on this subject, I should be obliged if you would state in writing what action you are taking.

Yours very truly,

(Signed) A. M. BURGESS.

G. W. BURBIDGE, Esq.,
Deputy Minister of Justice.

Deputy Minister of Justice to Deputy Minister of the Interior.

DEPARTMENT OF JUSTICE, OTTAWA, 5th May, 1885.

SIR,—Referring to your letter of the 1st instant, I have the honor, by direction, to enclose a draft of a Report to Council on the subject of the reference to the Minister of Justice and the Minister of the Interior of correspondence respecting the School Ordinance, passed under the 10th section of "The North-West Territories Act." If the draft is satisfactory to the Minister of the Interior, the Minister of Justice will be glad to sign it with him.

I have, &c.,

(Signed) GEO. W. BURBIDGE,
Deputy Minister of Justice.

The Deputy Minister of the Interior.

DEPARTMENT OF JUSTICE, OTTAWA, 5th May, 1885.

To His Excellency the Governor General in Council:

The undersigned, to whom was referred a copy of a despatch from the Lieutenant Governor of the North-West Territories, dated 2nd April last, with reference to the Ordinance respecting Schools, passed under the 10th section of "The North-West Territories Act, 1880," and stating that doubts existed as to the authority of the North-West Council to make the Ordinance, respectfully report that, in their opinion, it is desirable to so amend the 10th section as to remove all doubt as to the authority of the North-West Council to enact such an Ordinance.

NORTH-WEST TERRITORIES, 1885.

Lieutenant Governor to Secretary of State.

LIEUTENANT GOVERNOR'S OFFICE, REGINA, 16th January, 1886.

SIR,—I have the honor to inform you that the Seventh Session of the Council of the North-West Territories was opened by me on Thursday the 5th November, and closed on Friday the 18th December, 1885; and pursuant to Section 11 of "The North-West Territories Act, 1880," I transmit you herewith an authentic copy of each of the Ordinances passed during the said Session, the same being intituled as shown in the schedule attached.

I have, &c.,

(Signed) E. DEWDNEY,
Lieutenant Governor.

The Hon. Secretary of State,
Ottawa.

Lieutenant Governor to Secretary of State.

(*Telegram.*)

REGINA, N. W. T., 22nd January, 1886.

Copy of Ordinances as printed mailed you sixteenth, since found many printers' errors, corrected copies will be sent shortly.

(Signed) DEWDNEY.

The Hon. Secretary of State,
Ottawa.

Deputy Minister of Justice to Under Secretary of State.

DEPARTMENT OF JUSTICE, OTTAWA, 23rd February, 1886.

SIR,—I have the honor to request that you will cause a communication to be sent to His Honor the Lieutenant Governor of the North-West Territories asking when we may expect to receive corrected copies of the Ordinances of the North-West Territories passed in the Session held in November—December, 1885, as promised in his telegraphic despatch of 22nd January, 1886.

I have, &c.,

(Signed) A. POWER,
For Deputy Minister of Justice.

The Under Secretary of State.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 26th January, 1886.

SIR,—I have the honor to acknowledge the receipt of your despatch 138-1939 of the 16th instant and subsequent telegram of this date, relative to copy of the Ordinances of the Council of the North-West Territories passed at its recent Session

I have &c.,

(Signed) G. POWELL,
Under Secretary of State.

To His Honor
The Lieutenant Governor of the North-West Territories,
Regina, N.W.T.

Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 26th February, 1886.

SIR,—With reference to your telegram of the 22nd ultimo, I have the honor to enquire when I may expect to receive the corrected copies of the Ordinances of the North-West Council, passed at its last Session, referred to in your said despatch.

I have, &c.,

(Signed) J. A. CHAPLEAU,
Secretary of State.

To His Honor
The Lieutenant Governor of the North-West Territories,
Regina, N.W.T.

Lieutenant Governor to Secretary of State.

LIEUTENANT GOVERNOR'S OFFICE, REGINA, 4th March, 1886.

SIR,—I have the honor to acknowledge receipt of your despatch of the 26th ultimo, and to state in reply that I have this day forwarded to your address by book post six copies of the Ordinances of the North-West Territories, passed by the Council during its last Session.

I have, &c.,

(Signed) E. DEWDNEY,
Lieutenant Governor.

To the Hon. the Secretary of State,
Ottawa.

General Report of the Hon. the Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 28th April, 1886.

To His Excellency the Governor General in Council:

The undersigned begs leave to report upon the Ordinances passed by the Lieutenant Governor of the North-West Territories in Council, at a Session began and holden at Regina on the fifth day of November, and closed on the eighteenth day of December, 1885.

Having carefully considered the Ordinances, the numbers and titles of which are given in the annexed Schedule, the undersigned recommends that they be left to their operation.

The 151st Section of Ordinance No. 3, intituled: "An Ordinance to amend, and consolidate as amended, the School Ordinance of 1884," is as follows:—

"151st. Any Trustee who shall—

"1. Knowingly falsify, or cause or allow to be falsified, assessment rolls, voters' lists, school returns, school registers and minutes of meetings, or any of the records of the district, or who shall fail to deliver up such records when called upon by the chairman or duly appointed auditor;

"2. Misappropriate, or cause to be misappropriated, any of the funds or real or personal property of the District;

"3. Enter into or have any interest in any contract with the district, for which money is to be paid or work done; shall therefore be disqualified for fulfilling the term of office for which he was elected and shall be liable to a fine not exceeding fifty dollars."

The second paragraph of the above section appears to trench upon the Criminal Law. See 32–33 Victoria, Chapter 21, sections 3 and 74.

The undersigned, however, recommends that this Ordinance be left to its operation, but that the attention of the Lieutenant Governor be called to this section.

Ordinance 15 is an Ordinance to amend and consolidate as amended Ordinance No. 1 of 1883, intituled: "An Ordinance respecting infectious and contagious diseases of domestic animals," and Ordinance No. 15 of 1884, intituled: "An Ordinance to amend Ordinance No. 1 of 1883 respecting infectious diseases of domestic animals."

The subject of infectious and contagious disease of domestic animals is one that has been from time to time legislated upon both by the Parliament of Canada and by the Legislatures of the Provinces. Probably it has been considered that such legislation is authorized by the 95th section of the British North America Act, 1867, by which it is provided that in each Province the Legislature may make laws in relation to agriculture in the Province and that Parliament may make laws in relation to agriculture in all or any of the Provinces, the law of the Legislature on that subject having effect as far as it is not repugnant to the Act of the Parliament of Canada.

The undersigned recommends that this Ordinance be referred to the Minister of

Agriculture, and if it be not found to be in conflict with any Act of the Parliament of Canada on the same subject, that it be left to its operation.

Ordinance No. 16, purports to be "An Ordinance to amend Ordinance No. 24 of 1884, intituled: "An Ordinance to amend and consolidate as amended the several Ordinances respecting Fences"'

It is evident that Ordinance No. 29 of 1884 is intended and that No. 24 is a clerical error.

The undersigned recommends that the Ordinance be left to its operation, and that the attention of the Lieutenant Governor be called to this clerical error with a view to its amendment.

(Signed) JNO. S. D. THOMPSON,
Minister of Justice.

SCHEDULE.

ORDINANCES OF THE NORTH-WEST TERRITORIES, 1885.

No. 1. An Ordinance to provide for the appointments of Deputy Returning Officers for Municipal purposes, and to repeal section 21 of the North-West Municipal Ordinance of 1884.

No. 2. An Ordinance to amend and consolidate as amended the Ordinance respecting Municipalities of 1884.

No. 4. An Ordinance respecting Schools.

No. 5. An Ordinance to amend Ordinance No. 3 of 1884, known as "The Administration of Civil Justice Ordinance, 1884."

No. 6. An Ordinance respecting the duties of clerks of Courts.

No. 7. An Ordinance to regulate the procedure in Appeals in Capital cases.

No. 8. An Ordinance exempting certain Property from Seizure and Sale under Execution.

No. 9. An Ordinance to repeal Ordinance No. 18 of 1884, and to amend Ordinance No. 10 of 1879, intituled: "An Ordinance respecting the Ordinance of the North-West Territories."

No. 10. An Ordinance respecting the Legal Profession.

No. 11. An Ordinance relating to Medical Practitioners in the North-West Territories.

No. 12. An Ordinance respecting poisons.

No. 13. An Ordinance to legalize a certain by-law of the Municipal Council of the Town of Regina.

No. 14. An Ordinance to legalize a certain by-law of the Municipality of South Qu'Appelle.

No. 17. An Ordinance to amend Ordinance No. 25 of 1884, intituled: "An Ordinance respecting Ferries."

No. 18. An Ordinance to repeal Ordinance No. 9 of 1883.

No. 19. An Ordinance to amend Ordinance No. 4 of 1883, intituled: "An Ordinance respecting Partnerships,"

No. 20. An Ordinance to amend Ordinance No. 1 of 1884, intituled: "An Ordinance respecting the herding of Animals."

No. 21. An Ordinance to amend and consolidate as amended the several Ordinances respecting prairie and forest fires.

No. 22. An Ordinance to amend an Ordinance respecting dangerous Lunatics.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 7th May*, 1886.

On a Report dated 28th April, 1886, from the Minister of Justice upon the Ordinances passed by the Lieutenant Governor of the North-West Territories in Council

at a Session begun and holden at Regina on the 5th day of November, and closed on the 18th December, 1885, numbered from 1 to 22 inclusive, and recommending that they be left to their operation.

The Committee concurring in the said Report, advise that a copy thereof be forwarded to the Lieutenant Governor, calling his attention to the observations upon certain of the Ordinances of 1885.

All which is respectfully submitted for Your Excellency's approval.

(Signed), JOHN J. McGEE,
Clerk, Privy Council.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 20th May, 1886.

SIR,—I have the honor to inform you that His Excellency the Governor General has had under his consideration in Council the Ordinances passed by your Honor in Council at a Session begun and holden at Regina on the 5th day of November and closed on the 18th day of December, 1885, numbered from 1 to 22 inclusive.

I am to state that His Excellency has been pleased to infer that the said Ordinances should be left to their operation.

I am also to state that His Excellency has been pleased to order that the enclosed copy of the Report of the Minister of Justice thereon be forwarded to you, and that your Honor's attention be called to the observations upon certain of the said Ordinances.

I have, &c.,
(Signed), G. POWELL,
Under Secretary of State.

His Honor
The Lieutenant Governor,
Regina, N. W. T.

Minister of Justice to the Lieutenant Governor.

DEPARTMENT OF JUSTICE, OTTAWA, 3rd November, 1886.

(*Telegram.*)

On looking again at Ordinance No. 8, of 1885, I think I should advise Government to disallow it unless paragraphs 9 and 10 of section 1 are repealed, as ample provision appears to have been made by 41 Victoria, Chapter 15. Please answer.

(Signed) JOHN S. D. THOMPSON,
Minister of Justice.

To Hon. E. DEWDNEY,
Regina, N.W.T.

Lieutenant Governor to Minister of Justice.

OTTAWA, 6th November, 1886.

(*Telegram.*)

The Ordinance you refer to now under consideration. Please not to act until you hear from me.

(Signed) E. DEWDNEY,
Lieutenant Governor.

To the Hon. Minister of Justice.

Lieutenant Governor to Minister of Justice.

OTTAWA, 10th November, 1886.

(*Telegram.*)

Council considers Homestead Act of 1878 imperative in Territories at present, there being no registry of title to lands and no certificate of title. Am writing fully and sending resolution passed by my Executive on the subject.

(Signed) E. DEWDNEY,
Lieutenant Governor.

To the Hon. Minister of Justice,
Ottawa.

Lieutenant Governor to Minister of Justice.

GOVERNMENT HOUSE, REGINA, N.W.T., 11th November, 1886.

SIR,—Confirming my telegram of yesterday's date, I have now the honor to transmit you herewith copy of a Report made by a Sub-Committee of the North-West Council, composed of the Stipendiary Magistrates who were appointed to consider and report upon your telegram of the 4th instant, regarding Ordinance No. 8, of 1885.

I also enclose copy of a Resolution passed on the 10th instant at an Executive meeting of my Council with reference to the same subject.

I have, &c.,

(Signed) E. DEWDNEY,
Lieutenant Governor.

The Hon. the Minister of Justice,
Ottawa.

Copy of Report of Sub-Committee of North-West Council.

COUNCIL CHAMBER, REGINA, N.-W. T., 10th November, 1886.

The Sub-Committee appointed yesterday at an Executive sitting of the North-West Council to consider and report upon a telegram, dated 4th November, 1886, received from the Hon. the Minister of Justice, with reference to Ordinance No. 8, of 1885, begs leave to report:—

That in their opinion the Dominion Act, 41 Victoria Chapter 14 has been hitherto, and now is and will be in operation in the Territories until the 5th January, 1887, for the following reasons:

1. Section 1 of said Act requires the registration of homesteads in the "office for the registry of titles to lands," and your Committee submits that no such office is in existence, or provided for until the Act 49 Victoria Chapter 26, comes into force on the 1st January next.

2. When registration is effected, as provided by the 8th section of the said Act, the Registrar has to enter a memorial in the Register Book and to endorse upon the certificate of title "Registered as a Homestead" and your Committee submits that at present no provision exists for certificates of titles or memorials, and that for several months after the Act 49 Victoria Chapter 26 comes into force, it will be impossible for parties generally throughout the North-West Territories to take advantage of its provisions.

It may be added that very few copies of the Dominion Acts for the year 1878 are to be found in the Territories, and their provisions are consequently but little known by the general public.

(Signed) H. RICHARDSON,
Chairman.

A true copy,
A. E. FORGET,
(Signed) *Clerk of the Council.*

COPY *of Resolution passed by the Council of the North-West Territories in Executive, on the 11th November*, 1886.

Resolved, That this Council in Executive in addition to the report of the Civil Justice Committee with respect to the legal effect of the Act 41 Victoria, chapter 15, desires to urge upon the attention of the Government the following serious considerations:

1. That in the past few years our settlers animated with the hopes of good crops and the desire to improve their lands, were induced to buy large quantities of agricultural implements on credit.

2. That owing to the bad crops of this year and former years, these hopes have been disappointed, and large numbers of judgments have been obtained against settlers for these claims and others amounting to upwards of 600, and unless the settlers are protected by clauses similar to the ones objected to, great hardship will be entailed on them and many, we are afraid, will be compelled to leave the country or else be placed in such a position as to be unable to take advantage of good seasons which we and they still hope are in store for us.

A true copy.

A. E. FORCGET,
Clerk of Council.

Deputy Minister of Justice to Secretary Lieutenant Governor of North-West Territories.

DEPARTMENT OF JUSTICE, OTTAWA, 14th March, 1887.

Re North-West Ordinance No. 8, 1885, intituled: "An Ordinance exempting certain property from Seizure and Sale under Execution."

SIR,—With reference to previous correspondence on this subject I have now the honor, by direction, to state for the information of the Lieutenant Governor in Council that the Minister is of opinion that this Ordinance should be repealed at the next Session of the Council of the North-West Territories.

I am to draw your attention to the fact that the objection taken to this repeal by the Civil Justice Committee, that the homestead exemption could not be effectually applied until the 1st January, 1887, has now no force.

The further objection that the homestead exemption is not widely known could be remedied fully by such publication as the Council of the North-West Territories might see fit to make, or by having its provisions recited in the repealing Ordinance, or by one of these methods.

I am to add that so much importance is attached to this matter by the Minister that, unless the repeal is made by the Council of the North-West Territories, he will probably be obliged to introduce a Bill on the subject into the Dominion Parliament. The necessity for action in the matter by Parliament is to be deprecated, as it will give so great prominence to the exceptional exemptions which have been sought for by the people of the North-West Territories.

I have, &c.,

(Signed) GEO. W. BURBIDGE,
Deputy Minister of Justice.

The Secretary of the Lieutenant Governor of the North-West Territories.

Secretary of Lieutenant Governor N. W. T. to Deputy Minister of Justice.

COUNCIL CHAMBER, REGINA, N.W.T., 18th March, 1887.

SIR,—I am directed by His Honor the Lieutenant Governor to acknowledge receipt of your letter of the 14th instant relative to Ordinance No. 8 of 1885, intituled:

"An Ordinance exempting certain property from seizure and sale under execution," and in reply to state that same shall be submitted to the Council of the North-West Territories at their next Session.

I have, &c.,

(Signed) A. E. FORGET,
Secretary.

The Deputy Minister of Justice,
Ottawa.

NORTH-WEST TERRITORIES, 1886.

Lieutenant Governor to Minister of Justice.

(*Telegram.*)

GOVERNMENT HOUSE, REGINA, N.W.T., 18th November, 1886.

Certified copies of Ordinances respecting Civil Justice and Juries, passed on (16th) sixteenth instant, mailed to-day to Secretary of State.

(Signed) E. DEWDNEY,
Lieutenant Governor.

To Hon. Minister of Justice,
Ottawa.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, REGINA, N.W.T., 18th November, 1886.

SIR,—I have the honor to transmit you herewith certified copies of Ordinances Nos. 2 and 4 of the North-West Territories, passed on the 16th instant and intituled respectively: "An Ordinance respecting the administration of Civil Justice," and "An Ordinance respecting Juries."

I shall have the further honor of transmitting in a few days certified copies of the remaining Ordinances also passed on the same date.

I have, &c.,

(Signed) E. DEWDNEY,
Lieutenant Governor.

The Hon. the Secretary of State,
Ottawa.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 23rd November, 1886.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 18th instant, transmitting certified copies of Ordinances Nos. 2 and 4 of the North-West

Territories, passed on the 16th instant, and intituled respectively: "An Ordinance respecting the administrarion of Civil Justice," and "An Ordinance respecting Juries," and to state that the matter will receive consideration.

I have, &c.,

(Signed) G. POWELL,
Under Secretary of State.

His Honor the Lieutenant Governor,
Regina, N.W.T.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, REGINA, N.W.T., 17th December, 1886.

SIR,—Referring to my letter of the 18th ultimo, transmitting you therewith copies of Ordinances numbered 2 and 4 respectively of the North-West Territories passed on the 16th ultimo (1886) and intituled; "An Ordinance respecting the administration of Civil Justice," and "An Ordinance respecting Juries." I have now the honor to inform you that the Eighth Session of the Council of the North-West Territories was opened by me on Wednesday, the 13th October, and closed on Friday the 19th November, 1886; and pursuant to section 11 of "The North-West Territories Act, 1880," I transmit you herewith authentic copies of all the Ordinances passed during the said Session, the same being intituled as shown in the schedule hereto attached.

I have, &c.,

(Signed) E. DEWDNEY.
Lieutenant Governor.

The Hon. the Secretary of State,
Ottawa.

SCHEDULE.

ORDINANCES PASSED BY THE COUNCIL OF THE NORTH-WEST TERRITORIES DURING SESSION OF 1886.

No. 1. An Ordinance respecting Municipal Matters in the Town of Calgary.

No. 2. An Ordinance respecting the Administration of Civil Justice.

No. 3. An Ordinance respecting the incorporation of Joint Stock Companies by Letters Patent.

No. 4. An Ordinance respecting Juries.

No. 5. An Ordinance respecting the holding of lands in trust for Religious Societies and Congregations.

No. 6. An Ordinance to facilitate the conveyance of Real Estate by married women.

No. 7. An Ordinance to amend the Municipal Ordinance of 1885.

No. 8. An Ordinance to incorporate Agricultural Societies in the North-West Territories.

No. 9. An Ordinance to incorporate companies for the establishment of Cemeteries.

No. 10. An Ordinance to amend the School Ordinance of 1885.

No. 11. An Ordinance respecting Fire Districts.

No. 12. An Ordinance to amend Ordinance No. 21 of 1884, respecting the Licensing of Billiard and other Tables, and for the prevention of Gambling.

No. 13. An Ordinance to amend Ordinance No. 21 of 1885, respecting Prairie Fires.

No. 14. An Ordinance to amend Ordinance No. 12 of 1885, intituled: "An Ordinance respecting Poisons."

No. 15. An Ordinance to further amend No. 8 of 1885, intituled: "An Ordinance for the Protection of Game."

No. 16. An Ordinance to amend Ordinance No. 13 of 1885, intituled: "An Ordinance respecting Bulls."

No. 17. An Ordinance to further amend Ordinance No. 29 of 1884, intituled: "An Ordinance to amend, and consolidate as amended, the several Ordinances respecting Fences."

No. 18. An Ordinance to repeal Ordinance No. 20 of 1885, and to amend Ordinance No. 1 of 1884, intituled: "An Ordinance respecting the Herding of Animals."

No. 19. An Ordinance to incorporate a General Hospital at Regina.

No. 20. An Ordinance to legalize certain By-laws of the Corporation of the Municipality of South Qu'Appelle, and the debentures issued thereunder.

No. 21. An Ordinance to legalize a certain By-law of the Municipal Council of the Town of Regina.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 24th December, 1886.

SIR,— I have honor to acknowledge the receipt of your despatch of the 17th instant transmitting copies of Ordinances numbered 2 and 4 respectively of the North-West Territories, passed on the 16th ultimo, and also an authentic copy of the Ordinances passed during the last Session of the Council, as per Schedule attached thereto, and to state that the matter will receive consideration.

I am at the same time to request that six additional copies of the volume of Ordinances for 1886 may be forwarded to me for official use.

I have, &c.,

(Signed) G. POWELL,
Under Secretary of State.

To His Honor
The Lieutenant Governor of the North-West Territories,
Regina, N.W.T.

Mr. J. Travis to Minister of Justice.

(*Telegram.*)

CALGARY, N. W.T., 23rd October, 1886.

Calgary Municipal Ordinance just passed, as reported is grossly illegal; beg advise disallowance.

(Signed) J. TRAVIS.

To Honorable J. S. D. Thompson,
Minister of Justice.

N. F. Davin, M. P., to Minister of Justice, re Ordinance No. 15.

REGINA, N.W.T., 4th January, 1887.

SIR,—I have the honor to inform you that there is considerable doubt as to the wisdom of Ordinance No. 15 of 1886, respecting game. Before the Dominion Government assents to it there should be some enquiry.

I have, &c.,

(Signed) NICH. FLOOD DAVIN.

To the Hon. the Minister of Justice,
Ottawa.

Deputy Minister of Justice to Under Secretary of State.

DEPARTMENT OF JUSTICE, OTTAWA, 23rd March, 1887.

The undersigned has the honor to recommend that a communication be addressed by the Secretary of State to His Honor the Lieutenant Governor of the North-West Territories, calling his attention to the fact that certified copies of the Ordinances of the North-West Territories, passed in the year 1886, have not been received by the Department of the Secretary of State.

(Signed) G. W. BURBIDGE,
Deputy Minister of Justice.

The Under Secretary of State.

General Report of the Hon. the Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 12th September, 1887.

To His Excellency the Governor General in Council.

The undersigned has the honor to submit his Report upon the Ordinances passed by the Lieutenant Governor in Council of the North-West Territories in the Session held in October and November, 1886.

By Ordinance No. 2, intituled: "An Ordinance respecting the Administration of Civil Justice," certain fees are allowed to the judges on every grant of Probate of Letters of Administration and also on the appointment of guardians.

The principle of allowing judges fees, the undersigned thinks, is bad and one which should not be given effect to in the Territories upon the establishment of the Supreme Court there. In passing the salaries of the judges of the Territories, Parliament has granted the same salary as the judges receive in the Province of Manitoba and in the Provinces of Nova Scotia and New Brunswick. There would, however, the undersigned thinks, be no objection to the collection of such a fee as this, the same to form part of the general revenue of the Territories.

The undersigned recommends that the attention of the Lieutenant Governor be called to this matter with a view to the amendment of this Ordinance.

By Ordinance No. 3, intituled: "An Ordinance respecting the incorporation of Joint Stock Companies by Letters Patent," provision is made for incorporation by the Lieutenant Governor by letters patent under the Seal of the North-West Territories of companies for any of the purposes or objects to which the legislative authority of the Council or the Legislative Assembly, as the case may be, of the North-West Territories extend.

By the Order in Council of the 7th July, 1887, the Lieutenant Governor, by and with the advice and consent of the Legislative Assembly of the North-West Territories, as the case may be, is given power to incorporate companies with territorial objects with the following exceptions:—

(*a.*) Such companies as cannot be incorporated by a Provincial Legislature.

(*b.*) Railway, tramway, steamboat, canal transportation, telegraph and telephone companies.

(*c.*) Insurance companies.

No. 9 is intituled: "An Ordinance to incorporate companies for the establishment of Cemetries."

Section 29 of this Ordinance touches upon the Criminal Law.

The undersigned recommends that the attention of the Lieutenant Governor be called to it with a view to repealing sub-sections 1, 2 and 5 of section 29.

The undersigned recommends that for the present action be deferred in respect of Ordinance No. 2 and Ordinance No. 9, and that the other Ordinances (a schedule of which is attached hereto) be left to their operation, and also that the substance of

this Report be communicated to the Lieutenant Governor of the North-West Territories.

All of which is respectfully submitted.

(Signed) JOHN S. D. THOMPSON,
Minister of Justice.

SCHEDULE.

No. 1. An Ordinance respecting Municipal matters in the Town of Calgary.

No. 3. An Ordinance respecting the incorporation of Joint Stock Companies by Letters Patent.

No. 4. An Ordinance respecting Juries.

No. 5. An Ordinance respecting the holding of lands in trust for Religious Societies and Congregations.

No. 6. An Ordinance to facilitate the conveyance of Real Estate by married women.

No. 7. An Ordinance to amend the Municipal Ordinance of 1885.

No. 8. An Ordinance to incorporate Agricultural Societies in the North-West Territories.

No. 10. An Ordinance to amend the School Ordinance of 1885.

No. 11. An Ordinance respecting Fire Districts.

No. 12. An Ordinance to amend Ordinance 21 of 1884, respecting the licensing of Billiard and other Tables and for the prevention of gambling.

No. 13. An Ordinance to amend Ordinance No. 21 of 1885, respecting Prairie Fires.

No. 14. An Ordinance to amend Ordinance No. 12 of 1885, intituled: "An Ordinance respecting Poisons."

No. 15. An Ordinance to further amend Ordinance No. 8 of 1883, intituled: "An Ordinance for the protection of Game."

No. 16. An Ordinance to amend Ordinance No. 13 of 1881, intituled: "An Ordinance respecting Bulls."

No. 17. An Ordinance to further amend Ordinance No. 29 of 1884, intituled: "An Ordinance to amend and consolidate, as amended, the several Ordinances respecting Fences."

No. 18. An Ordinance to repeal Ordinance No. 20 of 1885, and to amend Ordinance No. 1 of 1884, intituled: "An Ordinance respecting the herding of animals."

No. 19. An Ordinance to incorporate a General Hospital at Regina.

No. 20. An Ordinance to legalize certain By-Laws of the Corporation of the Municipality of Qu'Appelle, and the debentures issued thereunder.

No. 21. An Ordinance to legalize a certain By-Law of the Municipal Council of the Town of Regina.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 20th September.* 1887.

The Committee of the Privy Council have had before them a Report dated 12th September, 1887, from the Minister of Justice with respect to the Ordinances passed by the Lieutenant Governor in Council of the North-West Territories in the Session held in October and November, 1886.

The Committee concurring in the Report and the recommendations therein made advise that the Secretary of State be authorized to communicate the substance hereof to the Lieutenant Governor of the North-West Territories.

All which is respectfully submitted for approval.

(Signed), JOHN J. McGEE.
Clerk, Privy Council.

To the Hon. the Minister of Justice.

FURTHER CORRESPONDENCE WITH IMPERIAL GOVERNMENT RESPECTING DISALLOWANCE OF RAILWAY ACTS IN MANITOBA.*

Lord Knutsford to Lord Lansdowne.

DOWNING STREET, 19th April, 1888.

MY LORD,—I have the honor to acknowledge the receipt of your despatches on the subject of the disallowance by the Dominion Government, of the Manitoba and Red River Valley Railway Act.

I have sent an answer to the the Memorial of the Executive Council of the Province on this question in my despatch of even date, and I would refer you to that despatch for my decision as to the prayer of the Memorial.

In the Minute of the Privy Council, which accompanied your secret despatch of 13th March, I observe that it is stated that "the reference has not been asked either by the Executive Council or by Your Excellency's Advisers." This statement would seem to have been made inadvertently, as the Executive Council of Manitoba in the final paragraph of the memorial, distinctly pray for leave to be heard by Counsel before Her Majesty in Council.

I am glad to learn that there is a good prospect that the question at issue with the Provincial Government will be amicably settled.

I have, &c.,

(Signed) KNUTSFORD.

Governor General,
The Most Honorable the Marquis of Lansdowne.

Lord Knutsford to the Marquis of Lansdowne.

DOWNING STREET, 19th April, 1888.

MY LORD,—I have the honor to acknowledge the receipt of the memorial addressed by the Executive Council of Manitoba to Her Majesty in Council praying to be heard by Counsel with regard to the disallowance of the Red River Valley Railway Act and other railway charters, by the Dominion Government.

After careful consideration of this question, I have been unable to advise Her Majesty to refer the petition to the Privy Council, inasmuch as the disallowance of the various Acts and Charters in question, appear to have been based upon the general and undisputed power vested by Statute in the Governor General, acting under the advice of his constitutional Ministers; and further, because the question which it is sought to have argued before Her Majesty in Council is not one of constitutional law, but is in truth one of policy, over which the Privy Council have no jurisdiction.

I request that you will communicate a copy of this despatch to the Government of Manitoba.

(Signed) KNUTSFORD.

Governor General,
the Most Honorable the Marquis of Lansdowne.

Report of the Honorable the Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 28th May, 1888.

To His Excellency the Administrator of the Government in Council:

The undersigned, to whom has been referred two despatches dated the 19th April, 1888, from the Right Honorable the Principal Secretary of State for the

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See ante-pages, 226-266.

Colonies to Lord Lansdowne, in reference to the application for the disallowance of the Manitoba Red River Valley Railway Act, has the honor to report as follows:—

Lord Knutsford observes in the latter of these despatches that in the minutes of the Privy Council which accompanied Lord Lansdowne's secret despatch of the 13th March, it is stated that the proposed reference of the memorial of the Executive Council of Manitoba to the Judicial Committee of Her Majesty's Privy Council, had not been asked by the Executive Council of Manitoba or by His Excellency's Advisers, and His Lordship adds that "this statement would seem to have been made inadvertently, as the Executive Council of Manitoba, in the final paragraph of the memorial, distinctly pray for leave to be heard by Counsel before Her Majesty in Council."

The undersigned ventures to suggest, in order to remove what appears to be a mistaken impression, that the prayer to be heard by Counsel before Her Majesty in Council did not, in the opinion of Your Excellency's Advisers, import a desire that the matter of complaint set forth in the memorial should be referred to the Judicial Committee of Her Majesty's Council and the expressions which emanated from members of the Manitoba Executive Council, at the time when the memorial was adopted and since, have made it clear that such was not in fact the desire of the Executive Council, but that the Executive Council desired to remonstrate on other than legal grounds (which alone would have been available before the Judicial Committee) against the disallowance of Manitoba Statutes, and that the request to be heard by Counsel was made with a view to invoking Imperial Executive control over the authority vested in Your Excellency by the British North America Act.

The undersigned recommends that a copy of this Report, if approved, be transmitted to Her Majesty's Secretary of State for the Colonies in order that His Lordship may not continue to suppose that the statement made in the minute of Your Excellency's Council, which accompanied Lord Lansdowne's secret despatch, before referred to on this subject, was unjustified, or made without due consideration.

(Signed) JOHN S. D. THOMPSON,
Minister of Justice.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the* 13*th June*, 1888.

The Committee of the Privy Council have had under consideration two despatches dated 19th April, 1888, from the Right Honorable the Secretary of State for the Colonies in reference to the disallowance by the Dominion Government of the Manitoba Red River Valley Railway Act.

The Minister of Justice to whom the despatches were referred reports as follows:—

Lord Knutsford observes in the latter of these despatches that in the Minute of the Privy Council which accompanied Lord Lansdowne's secret despatch of the 13th March, it is stated that the proposed reference of the memorial of the Executive Council of Manitoba, to the Judicial Committee of Her Majesty's Privy Council, had not been asked, either by the Executive Council of Manitoba or by His Excellency's Advisers, and His Lordship adds that this statement would seem to have been made inadvertently, as the Executive Council of Manitoba, in the final paragraph of the memorial, distinctly pray for leave to be heard by Counsel before Her Majesty in Council.

The Minister of Justice ventures to suggest, in order to remove what seems to be a mistaken impression, that the prayer to be heard by Counsel before Her Majesty in Council did not, in the opinion of Your Excellency's Advisers, import a desire that the matter of complaint set forth in the memorial should be referred to the Judicial Committee of Her Majesty's Council, and the expressions which emanated from members of the Manitoba Executive Council at the time when the memorial was

adopted, and since, have made it clear that such was not in fact the desire of the Executive Council, but that the Executive Council desired to remonstrate on other than legal grounds (which alone would have been available before the Judicial Committee) against the disallowance of Manitoba Statutes, and that the request to be heard by Counsel was made with a view to invoking Imperial executive control, over the authority vested in Your Excellency by the British North America Act.

The Committee concur in the Report of the Minister of Justice and they recommend that a copy of this Minute be transmitted to Her Majesty's Secretary of State for the Colonies, in order that His Lordship may not continue to suppose that the statement made in the Minute of Your Excellency's Council, which accompanied Lord Lansdowne's secret despatch, before referred to on this subject, was unjustified, or made without due consideration.

All which is respectfully submitted for Your Excellency's approval.

JOHN J. McGEE,
Clerk Privy Council.

From Colonial Secretary to Governor General.

DOWNING STREET, 12th July, 1888.

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's confidential despatch of the 20th ultimo, forwarding a minute by your Privy Council with reference to the disallowance of the Red River Valley Railway Act. I am glad to receive this explanation from your Government for, as Counsel are not heard, except before the Judicial Committee of the Privy Council, the Manitoba Government seemed to desire to appear before that body. As, however, the question of the railway has been amicably arranged, it is unnecessary to pursue the subject further.

I have, &c.,
(Signed) KNUTSFORD.

Governor General,
The Right Hon. the LORD STANLEY of Preston, G. C. B.

ONTARIO—50TH VICTORIA, 1887.

1ST SESSION—5th LEGISLATURE.

Lieutenant Governor to Secretary of State.

GOVERNMENT HOUSE, TORONTO, 7th June, 1888.

SIR,—I have the honor to transmit to you by concurrent mail, for the information and approval of His Excellency the Governor General in Council, duly certified copies of the Acts passed by the Legislature of this Province during the Session thereof held in the 50th year of Her Majesty's reign, and to which assent was given on the 23rd April last.

I have, &c.,
(Signed) A. CAMPBELL,
Lieutenant Governor of Ontario.

The Honorable
The Secretary of State,
Ottawa.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF SECRETARY OF STATE, OTTAWA, 10th June, 1888.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 7th June, transmitting for the information and approval of His Excellency the Governor General in Council, duly certified copies of the Acts passed by the Legislature of the Province of Ontario at its last Session.

I have, &c.,
(Signed) G. POWELL,
Under Secretary of State.

His Honor
The Lieutenant Governor of Ontario,
Toronto.

General Report of the Hon. the Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 1st June, 1888.

To His Excellency the Administrator in Council:

The undersigned has the honor to recommend that all of the Acts passed by the Legislature of the Province of Ontario in the year 1887 be left to their operation, a schedule of such Acts being hereto annexed.

The undersigned thinks it to be his duty, however, to call attention to, and to make certain observations upon, the provisions of the following Chapters, namely: 2, 8, 19, 36, 45, 76, 79 and 81.

Chap. 2. An Act respecting the Revised Statutes of Ontario.

This chapter gives effect to the last edition of the Revised Statutes of Ontario, and it is under its provisions that that volume has the force of law.

In advising Your Excellency to allow this chapter to go into operation, the undersigned wishes to state that he is not to be understood as expressing an opinion that all of the provisions of the Revised Statutes of Ontario are within the Legislative authority of the Legislature of that Province, but inasmuch as the provisions of the Revised Statutes are in the main within such jurisdiction, and it is in the public interest that the Revised Statutes as a whole should have the force of law, and inasmuch also as the question of legislative competency may be brought up at any time, notwithstanding the fact that the right of disallowance has not been exercised, the undersigned does not consider that such power should be exercised, even if some of the Acts or portions of the Acts may be considered as *ultra vires* on the part of the Legislature of Ontario.

Chap. 8. An Act to give early effect to certain amendments of the law recommended by the Statute Commissioners.

The undersigned desires to call attention to the provisions of this chapter, so far as it amends Section 33 of Chapter 90, of the Revised Statutes of Ontario (1st series), Chapter 91, Section 52 (present series).

This legislation assumes that, although the appointment of Superior, District and County Court Judges in each Province is, by "The British North America Act," vested in the Governor General, and that the only limitation imposed by that Act in the choice of Your Excellency is, that Judges of Provincial Courts in the original Provinces of Canada must be selected from their respective bars; a Provincial Legislature has power to limit the choice of Your Excellency by such provisions and qualifications as it may seem proper.

The undersigned is of opinion that a Provincial Legislature has no such authority, and that the power of appointment to the Bench is absolute in Your Excellency, subject only to the limitations prescribed by "The British North America Act."

The undersigned, however, does not deem this objection to Chapter 8 to be a sufficient reason for advising Your Excellency to exercise your power of disallowance in respect to it.

Chap. 19. An Act to make further provisions respecting assignments for the benefit of creditors.

In previous Reports to Your Excellency, attention has been called to the possibility of legislation of this character in respect of insolvency by a Provincial Legislature, being beyond its constitutional authority. The constitutionality of this Act is now undergoing discussion before the courts of Ontario, and pending a decision, the undersigned, although of the opinion that certain of the provisions of the Act which Chapter 19 is intended to amend, are beyond the scope of the Legislature of Ontario, he does not advise Your Excellency to exercise your power of disallowance in respect to it.

Chap. 36. An Act for the protection of Infant Children.

Section 6 of this Act is as follows:—

"If any person shall make false representations with a view to being registered under this Act, or shall forge any certificate for the purpose of this Act, or make use of any forged certificate knowing it to be forged, or shall falsify any register kept in pursuance of this Act, he shall be guilty of an offence against this Act.

The undersigned is of opinion that this section, combined with section 12, is legislation in respect to the Criminal Law, and appears to be unnecessary and confusing, considering the provisions of Chapter 165 of the Revised Statutes of Canada, Section 46.

The undersigned submits that, in order to avoid difficulty and confusion, the section quoted should be repealed. He does not, however, think, in view of the probable utility of the legislation, of which this section forms a part, that the whole Act should be disallowed.

Chap. 45. An Act for the Protection of Women in certain cases.

The undersigned assumes that it was intended by this Act to make it an offence to have carnal knowledge of any patient confined in an asylum, or of any prisoner confined in a prison in Ontario, even with her consent.

From the use of the word "unlawfully" in the 1st section, some doubt might arise as to that being the legal effect of the enactment.

In the judgment of the undersigned, legislation of this character approaches more nearly to that relating to the Criminal Law than to police regulations.

The undersigned, however, does not consider that any public interest calls for the exercise of the power of disallowance in respect of this enactment.

Chap. 76. An Act to incorporate the Fort Erie Ferry Railway Company.

Chap. 79. An Act to incorporate the Ottawa and Thousand Island Railway Company.

Chap. 81. An Act to incorporate the Southern Central Railway Company.

The undersigned desires to call attention to Section 4 of Chapter 76, and Section 55 of chapter 81, in which an attempt is made to give power to the Companies by such sections to erect obstructions upon navigable waters.

The undersigned is of opinion that a Provincial Legislature does not possess any such power.

The undersigned would further call attention to the provisions of Section 17 of Chapter 76, Section 19 of Chapter 79, and Section 13 of Chapter 81, all of which sections purport to give to aliens as well as to British subjects, the right to hold shares in these companies.

Special legislation appears to be unnecessary, as aliens do not require statutory authority to hold stock in Canadian companies, but assuming it to be necessary, the power of adopting such legislation is solely with the Dominion Parliament, under Section 91 of sub-Section 25 of the British North America Act.

Notwithstanding, however, the objections expressed to the Chapters in question, the undersigned is of opinion that the three Acts, to which reference has been made, may be left to their operation.

All of which is respectfully submitted.

(Signed) JNO. S. D. THOMPSON,
Minister of Justice.

SCHEDULE.

Chap. 1. An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and eighty-seven, and for other purposes therein mentioned.

Chap. 2. An Act respecting the Revised Statutes of Ontario, 1887.

Chap. 3. An Act to further amend the Act relating to the erection of new Provincial Buildings.

Chap. 4. An Act to amend the Act respecting the taxation of Patented Lands in Algoma.

Chap. 5. An Act to amend the Act respecting the Clergy Reserves.

Chap. 6. An Act respecting Interest on Drainage Loans to Municipalities by the Province of Ontario.

Chap. 7. An Act for further Improving the Law.

Chap. 8. An Act to give early effect to certain Amendments of the Law recommended by the Statute Commissioners.

Chap. 9. An Act respecting the Law of Libel.

Chap. 10. An Act relating to Exemption from Seizure under Execution.

Chap 11. An Act respecting the Appointment and Proceedings of Police Magistrates.

Chap. 12. An Act respecting the Administration of Justice in the Districts of Algoma and Thunder Bay.

Chap. 13. An Act respecting the Niagara Falls Park.

Chap. 14. An Act respecting the Custody of Documents relating to Land Titles.

Chap. 15. An Act to extend the operation of the Land Titles Act, and otherwise amending the same.

Chap. 16. An Act to extend the Land Titles Act to the outlying Districts of the Province.

Chap. 17. An Act respecting the Driving of Saw Logs and other Timber on Lakes, Rivers, Creeks and Streams.

Chap. 18. An Act respecting the publicity of certain matters affecting Trades.

Chap. 19. An Act to make further provisions respecting Assignments for the benefit of Creditors.

Chap. 20. An Act to amend the Mechanics' Lien Act.

Chap. 21. An Act respecting the Guardianship of Minors.

Chap. 22. An Act to amend the Workman's Compensation for Injuries Act, 1886.

Chap. 23. An Act respecting Distress for Rent and Taxes.

Chap. 24. An Act to amend the Ontario Medical Act.

Chap. 25. An Act respecting Land Surveyors and the Survey of Lands.

Chap. 26. An Act consolidating and amending the Acts respecting Insurance Companies.

Chap. 27. An Act respecting Building Societies.

Chap. 28. An Act to amend the Railway Act of Ontario.

Chap. 29. An Act to further amend the Municipal Act.

Chap. 30. An Act respecting Municipal Institutions in the District of Rainy River.

Chap. 31. An Act to amend the Public Works Act.

Chap. 32. An Act to amend the Assessment Act.

Chap. 33. An Act better to provide for the Enforcement of the Temperance Laws.

Chap. 34. An Act to amend the Act respecting Public Health.

Chap. 35. An Act to amend the Ontario Factories Act, 1884.

Chap. 36. An Act for the Protection of Infant Children.

Chap. 37. An Act to amend the Ditches and Water-courses Act, 1883.

Chap. 38. An Act to amend the Act respecting the Education Department.

Chap. 39. An Act to amend the Act respecting Public Schools.

Chap. 40. An Act to amend the High School Act.

Chap. 41. An Act respecting Separate School Debentures.

Chap. 42. An Act respecting Upper Canada College.

Chap. 43. An Act respecting the federation of the University of Toronto and University College with other Universities and Colleges.

Chap. 44. An Act respecting the income and property of the University of Toronto, University College and Upper Canada College.

Chap. 45. An Act for the Protection of Women in certain cases.

Chap. 46. An Act respecting certain lands mortgaged by John D. Ronald to the Corporation of the Village of Brussels.

Chap. 47. An Act to consolidate the Floating Debt of the Township of Colchester North.

Chap. 48. An Act to remove doubts as to the location of certain Park Lots adjoining the Township of Derby and the Town of Owen Sound,

Chap. 49. An Act to legalize and confirm an agreement entered into by and between the Municipality of Dysart and the Canadian Land and Emigration Company (Limited).

Chap. 50. An Act respecting a certain Railway Debenture Debt of the Township of Eldon.

Chap. 51. An Act to provide for the Division of the Township of Gosfield.

Chap. 52. An Act to incorporate the Town of Gravenhurst.

Chap. 53. An Act to consolidate the Debt of the City of Guelph and for other purposes.

Chap. 54. An Act to authorize the Township of Howick to issue Debentures.

Chap. 55. An Act to amend the Act respecting the incorporation of the Village of Huntsville.

Chap. 56. An Act respecting the Debt of the City of Kingston.

Chap. 57. An Act to authorize the Corporation of the City of London to borrow certain moneys for Public School purposes.

Chap. 58. An Act respecting the General Hospital of the City of London.

Chap. 59. An Act respecting the City of Ottawa.

Chap. 60. An Act respecting the Agricultural Society of the North Riding of the County of Oxford.

Chap. 61. An Act to incorporate the Town of Parry Sound.

Chap. 62. An Act relating to the Municipality of Rat Portage.

Chap. 63. An Act to legalize certain By-Laws of the Town of Sarnia.

Chap. 64. An Act to incorporate the Town of Sault Ste. Marie.

Chap. 65. An Act to declare and define the correct boundary between the Township of Smith and the Township of Peterborough.

Chap. 66. An Act respecting the City of Stratford.

Chap. 67. An Act to confirm and establish a certain Survey of part of the Township of Sunnidale in the County of Simcoe.

Chap. 68. An Act to incorporate the Town of Thornbury.

Chap. 69. An Act vesting certain Lands in the Corporation of the Town of Thorold for the purpose of a Cemetery.

Chap. 70. An Act to incorporate the Village of Tilbury Centre.

Chap. 71. An Act respecting the City of Toronto.

Chap. 72. An Act to provide for the erection of a Court House in the City of Toronto.

Chap. 73. An Act to consolidate the Floating Debt of the Town of Trenton.

Chap. 74. An Act to amend the Act incorporating the Brockville, Westport and Sault Ste. Marie Railway Company.

Chap. 75. An Act to amend the Act to incorporate the Eastern Ontario Railway Company.

Chap. 76. An Act to incorporate the Fort Erie Ferry Railway Company.

Chap. 77. An Act to amend the Act incorporating the London and South-Eastern Railway Company.

Chap. 78. An Act respecting the Ontario Sault Ste. Marie Railway Company.

Chap. 79. An Act to incorporate the Ottawa and Thousand Island Railway Company.

Chap. 80. An Act to amend the Act incorporating the Sandwich and Windsor Passenger Railway Company.

Chap. 81. An Act to incorporate the Southern Central Railway Company.

Chap. 82. An Act to incorporate the Thames Valley Tramway Company.

Chap. 83. An Act to change the name of the Thunder Bay Colonization Railway Company.

Chap. 84. An Act to amend the Act incorporating the Brockville Gas Light Company.

Chap. 85. An Act to further extend the powers of the Consumers' Gas Company of Toronto.

Chap. 86. An Act respecting the Gore District Mutual Fire Insurance Company.

Chap. 87. An Act to amend the Acts relating to the Long Point Company.

Chap. 88. An Act to amend the Act incorporating the Queen City Fire Insurance Company.

Chap. 89. An Act to incorporate the Western Fair Association.

Chap. 90. An Act respecting the Fort George Assembly to be henceforth known as "The Niagara Assembly."

Chap. 91. An Act to amend the Act incorporating the Girls' Home and Public Nursery of Toronto.

Chap. 92. An Act to amend the Act incorporating the Home of the Friendless of Hamilton.

Chap. 93. An Act respecting Knox Church Cemetery and Knox Church lot, in the Village of Ayr.

Chap. 94. An Act to authorize the Roman Catholic Episcopal Corporation of the Diocese of London to sell certain lands.

Chap. 95. An Act to unite Toronto Baptist College and Woodstock College under the name of McMaster University.

Chap 96. An Act to amend the Act incorporating the trustees of the Toronto House of Industry.

Chap. 97. An Act to authorize the trustees of the Warwick Congregation of the Methodist Church at Warwick Village to sell certain lands.

Chap. 98. An Act to empower Adelia Gould to sell certain lands.

Chap. 99. An Act to authorize the directors of the Royal College of Dental Surgeons of Ontario, to grant a certificate of license to Marshall Bidwell Mallory to practice Dental Surgery in the Province of Ontario.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Administrator of the Government in Council on the 7th June,* 1888.

The Committee of the Privy Council have had under consideration the annexed Report dated 1st June, 1888, from the Minister of Justice, upon the Acts of the Province of Ontario for the year 1887, recommending that the same be left to their operation.

The Committee concur in the said Report and the observations therein contained, and they advise that the Secretary of State be authorized to forward a copy thereof to the Lieutenant Governor of Ontario for the information of his Government.

(Signed) JOHN J. McGEE,
Clerk, Privy Council.

QUEBEC—50TH VICTORIA, 1887.

FIRST SESSION—SIXTH LEGISLATURE.

Under Secretary of State to Deputy Minister of Justice.

DEPARTMENT OF SECRETARY OF STATE, OTTAWA, 28th July, 1887.

SIR,—I have the honor to transmit to you herewith, for the information of the Honorable the Minister of Justice, copy of the Statutes of the Province of Quebec, 50th Victoria, 1887, the same having been received at this Department on the 14th instant as per certificate annexed thereto.

I have, &c.,
(Signed) G. POWELL,
Under Secretary of State.

The Deputy Minister of Justice,
Ottawa.

Lieutenant Governor to Secretary of State.

(*Translation.*)

GOVERNMENT HOUSE, Quebec, 5th August, 1887.

SIR,—I have the honor to inform you that I transmit you by to-day's mail, for the information of His Excellency the Governor General, two volumes containing the Acts passed by the Legislature of the Province of Quebec at its last Session and which I sanctioned on the 18th May last, with the exception of the Act No. 35, which I sanctioned on the 22nd April last.

I have, &c.,
(Signed) L. R. MASSON,
Lieutenant Governor.

The Honorable
The Secretary of State,
Ottawa.

Under Secretary of State to Lieutenant Governor.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 9th August, 1888.

SIR,—Adverting to your despatch of the 5th instant, and to the two copies, one in English and one in French, of the Acts of the Legislature of the Province of Quebec, passed at the last Session of that body therein referred to, whose receipt I desire to acknowledge, I have the honor to inform you that one copy of the said Acts had been previously, some weeks before, received from your Government.

I am now to request that the attention of your Government may be invited to the amended regulation, No. 261, respecting the transmission of copies of the laws passed by Colonial Legislatures, copy of which was enclosed in my letter of the 16th April last.

I have, &c.,
(Signed) G. POWELL,
Under Secretary of State.

His Honor
The Lieutenant Governor,
Quebec.

General Report of the Hon. the Minister of Justice.

DEPARTMENT OF JUSTICE, OTTAWA, 1st June, 1888.

The undersigned has the honor to report upon the Acts of the Legislature of the Province of Quebec, passed in the Session of 1887, and to recommend that all of the said Acts (a schedule of the titles of which is hereto annexed), be left to their operation.

Respectfully submitted.

(Signed) JOHN S. D. THOMPSON,
Minister of Justice.

To His Excellency the Administrator in Council.

SCHEDULE.

Chap. 1. An Act granting to Her Majesty the money required for the expenses of the Government for the financial years ending on the 30th June, 1887, and on the 30th June, 1888, and for other purposes connected with the Public Service.

Chap. 2. An Act to authorize the issue of Provincial Debentures.

Chap. 3. An Act to amend the Quebec License Law.

Chap. 4. An Act to amend the Act 43-44 Victoria, Chapter 11, respecting the Quebec License Law.

Chap. 5. An Act respecting the Revised Statutes of the Province of Quebec.

Chap. 6. An Act to amend the Act 49-50 Victoria, Chapter 95, respecting the Statutes of the Province of Quebec.

Chap. 7. An Act to amend the laws respecting the Executive Council and the Public Departments of the Province, as well as the law respecting the Civil Service.

Chap. 8. An Act respecting the Speaker of the Legislative Council and the appointment of certain officers of the Legislative Council.

Chap. 9. An Act to amend the Act 49-50 Victoria, Chapter 98, in so far as it concerns the security to be furnished by public officers.

Chap. 10. An Act to amend the Quebec Elections Act, 38 Victoria, Chapter 7.

Chap. 11. An Act to amend the law respecting the constitution of the Superior Court.

Chap. 12. An Act to amend the law respecting the constitution of the Superior Court.

Chap. 13. An Act to amend Article 232 of the Code of Civil Procedure.

Chap. 14. An Act to amend Article 513 of the Municipal Code.

Chap. 15. An Act respecting Commercial Travellers and to abolish the Municipal Taxes now levied upon them.

Chap. 16. An Act to amend "The Quebec Game Law."

Chap. 17. An Act to amend the Act of this Province, 46 Victoria, Chapter 8, respecting the management of Public Lands adjoining non-navigable Streams and Lakes in the Province of Quebec and the exercising of the fishing rights thereto pertaining.

Chap. 18. An Act respecting the copying of old Registers of Civil Status.

Chap. 19. An Act to amend the Act 39 Victoria, Chapter 20, intituled: "An Act respecting the Compilation of Statistics of Births, Marriages and Causes of Death in the Province."

Chap. 20. An Act to amend Chapter 15 of the Consolidated Statutes for Lower Canada and the Statutes amending the same.

Chap. 21. An Act respecting the Polytechnic School of Montreal.

Chap. 22. An Act to detach a portion of the Municipality of Kingsley Falls from the County of Drummond and to annex it to the Municipality of the Township of Warwick, in the County of Arthabaska, for all purposes whatsoever.

Chap. 23. An Act to erect a certain portion of the Parish of St. Janvier de Weedon into a Village Municipality.

Chap. 24. An Act to consolidate and amend the various Acts respecting the civil erection of Parishes in the former territory of Notre Dame de Montreal.

Chap. 25. An Act to erect the Parish of Ste. Elizabeth de Warwick into a Municipality.

Chap. 26. An Act to amend the Act of this Province, 44-45 Victoria, Chapter 82, intituled: "An Act to facilitate the payment of the Debt contracted and of the expenses to be incurred in building the Catholic Church of the Parish of Ste. Jean-Baptiste de Montreal, and to amend the Act 43-44, Victoria, Chapter 37."

Chap. 27. An Act to amend and explain the Act of this Province, 32 Victoria, Chapter 13, respecting the incorporation of the Roman Catholic Bishops of the Province.

Chap. 28. An Act to incorporate the "Society of Jesus."

Chap. 29. An Act to incorporate the "Congrégation des Petits Frères de Marie" dits "Frères Maristes."

Chap. 30. An Act to incorporate the Fraternité du Tiers, order de St. François d'Assise de Montréal.

Chap. 31. An Act to incorporate the "Hotel Dieu de Nicolet."

Chap. 32. An Act to incorporate the "Syndicat financier de l'Université Laval à Québec."

Chap. 33. An Act to incorporate the "Syndicat financier de l'Université Laval à Montréal."

Chap. 34. An Act to incorporate the "Victoria Hospital and Convalescent Home for sick Protestant children."

Chap. 35. An Act to amend the Act 42-43 Victoria, Chapter 73, intituled; "An Act to incorporate the Wesleyan Theological College of Montreal."

Chap. 36. An Act to amend the Acts respecting "The University Maternity Hospital," and to change the name thereof to that of the "Montreal Maternity."

Chap. 37. An Act to amend the Act incorporating "The Quebec Young Men's Christian Association" and to vest the real estate belonging to the association in Trustees.

Chap. 38. An Act to incorporate the "Société de Bienfaisance St. Jean-Baptiste de Notre Dame de Granby."

Chap. 39. An Act to amend Chapter 131 of the Statutes of the late Province of Canada, 19-20 Victoria, intituled: "An Act to incorporate the Society called the Union of St. Joseph of Montreal."

Chap. 40. An Act to amend Chapter 94 of the Statutes of the late Province of Canada, 25 Victoria, intituled: "An Act to incorporate La Société de l'Union St. Pierre de Montréal."

Chap. 41. An Act respecting the incorporation of associations for literary purposes and for purposes of amusement.

Chap. 42. An Act to incorporate "L'Union Musical de Qubec."

Chap. 43. An Act to incorporate "The Corporation of Bailiffs of the District of Montreal."

Chap. 44. An Act to incorporate "L'Union Nationale Française et de Refuge."

Chap. 45. An Act to incorporate the "Compagnie de Prêts et de Mont-de-Piété."

Chap. 46. An Act to incorporate "La Société Belge Canadienne."

Chap. 47. An Act to incorporate the "Independent Agricultural Association of Stanstead and Compton Counties."

Chap. 48. An Act to incorporate the "Hydraulic and Manufacturing Company of St. Johns and Iberville."

Chap. 49. An Act to amend the Act incorporating the "Société de passage du Pont-neuf de St. Hyacinthe," and the Act amending the same.

Chap. 50. An Act to incorporate the "Grocers' Association of Montreal."

Chap. 51. An Act to incorporate the "Club Yamaska."

Chap. 52. An Act to incorporate the association known as "Le Club de Raquettes le Trappeur de Montréal."

Chap. 53. An Act to amend the Act incorporating the Mount Hermon Cemetery.

Chap. 54. An Act to amend the Town Corporations General Clauses Act, 40 Victoria, Chapter 29.

Chap. 55. An Act for the purpose of authorizing the appointment of a Royal Commission to hold an investigation into certain matters relating to the administration of the municipal affairs of the City of Montreal.

Chap. 56. An Act to amend the Charter of the City of Montreal.

Chap. 57. An Act further to amend the Acts incorporating the City of Quebec.

Chap. 58. An Act to amend the Act 36 Victoria, Chapter 60, intituled: "An Act to consolidate and amend the Act to incorporate the Town of Lévis and the divers Acts amending the same," and the Act 42-43 Victoria, Chapter 57, amending the said Act.

Chap. 59. An Act to amend the Act 45 Victoria, Chapter 103, incorporating the Town of Richmond.

Chap. 60. An Act to amend the Act incorporating the Town of Salaberry of Valleyfield, 37 Victoria, Chapter 48, as amended by the Act 42-43 Victoria, Chapter 62.

Chap. 61. An Act further to amend the Act 36 Victoria, Chapter 52, intituled: "An Act to incorporate the Town of Nicolet."

Chap. 62. An Act to incorporate La Canadienne Life Insurance Company.

Chap. 63. An Act to incorporate the "Dominion Line Company."

Chap. 64. An Act granting power to the New York Life Insurance Company to acquire by purchase and to hold real estate in the Province of Quebec.

Chap. 65. An Act to enable the Imperial Fire Insurance to contract, and to sue and be sued, in the Province of Quebec, in name of the company and for other purposes.

Chap. 66. An Act to facilitate the cancelling and discharge of hypothecs granted by railway companies in certain cases.

Chap. 67. An Act to incorporate the Iberville, Dunham and Clarenceville Railway Company.

Chap. 68. An Act to incorporate the Montreal and Lake Maskinongé Railway Company.

Chap. 69. An Act to amend the Act of Incorporation of the Ottawa and Gatineau Valley Railway Company.

Chap. 70. An Act to incorporate the Beauharnois Junction Railway Company.

Chap. 71. An Act to amend the Act of incorporation of the Ottawa Colonization Railway Company.

Chap. 72. An Act to incorporate the Montreal Elevated Railway Company.

Chap. 73. An Act to authorize Hugh Paton to build a bridge over a branch of the Rivière des Prairies.

Chap. 74. An Act to authorize the building of a toll-bridge over the South Branch of the Yamaska River, in the Parish of St. Pie.

Chap. 75. An Act to authorize the sale of certain immovables belonging to the estate of the late Antoine Paiement dit Larivière.

Chap. 76. An Act to authorize the sale of certain property belonging to the estate of the late William Wallace Scott.

Chap. 77. An Act to ratify and confirm certain deeds of compromise, conveyance and partition, in connection with the estate of the late Charles Phillips.

Chap. 78. An Act to authorize the Bar of the Province of Quebec to admit Alfred Burgis Mayor amongst its members.

Chap. 79. An Act to authorize the Bar of the Province of Quebec to admit Gougaloe Lesieur Desaulniers amongst its members after examination.

Chap. 80. An Act to regularize the clerkship of Théodule L'Ecuyer.

CERTIFIED COPY *of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Administrator of the Government in Council on the 9th June,* 1888.

The Committee of the Privy Council have had under consideration the Report dated 1st June, 1888, from the Minister of Justice upon the Acts of the Legislature of the Province of Quebec, passed in the Session of 1887, recommending that all of the said Acts be left to their operation.

The Committee concur in the above recommendation and advise that the Secretary of State be authorized to transmit a copy of this Minute if approved to the Lieutenant Governor of Quebec for the information of his Government.

(Signed) JOHN J. McGEE,
Clerk Privy Council.

To the Honorable the Minister of Justice.

TABLES OF ACTS

AND

INDEX.

ONTARIO.

Year.	Acts Allowed.	Acts Disallowed.	Acts Commented upon but not Disallowed.	Date of Order in Council.
31 Vic., 1867-68. Chapters 1 to 79.	1-4, 7-16, 18-21, 23-37, 39-63, 65-79.	.....	.....	4th July, 1868. 5th Nov., 1868.
			Chap. 5. An Act to repeal Chap. 20 of C.S.C., intituled: "An Act respecting the Provincial Duty on Tavernkeepers and to make further provision respecting the same."	do
			Chap. 6. An Act to repeal Chap. 13 of the C.S.C., so far as the same relates to Ontario, to authorize the publication of an "Ontario Gazette," and to make provision for inquiries concerning public matters and official notices.	4th July, 1868.
			Chap. 17. An Act to continue for a limited time the Acts therein mentioned.	5th Nov., 1868.
			Chap. 18. An Act respecting Gold and Silver Mines.	4th July, 1868.
			Chap. 20. An Act respecting Registrars, Registry Offices and the Registration of Instruments relating to Lands in Ontario.	do
			Chap 29 An Act for the encouragement of Agriculture, Horticulture, Arts and Manufactures.	do
			Chap. 30. An Act to amend the Municipal Institutions Act of Upper Canada, 29-30 Victoria, Chaps. 51 and 52.	do
			Chap 38. An Act to incorporate the Clifton Suspension Bridge Company.	5th Nov., 1868.
			Chap. 64. An Act to incorporate the Board of Trade of the Town of Guelph.	do
32-33 Vic., 1868-69. Chapters 1 to 85.	2, 4, 5, 6, 7-20, 21, 24-25, 26, 27-29, 31, 35, 37, 38, 40, 41, 43, 44, 46, 47, 49-55, 56, 57, 59, 60, 63-65, 67-69, 71-74, 76-79, 81-85.	.....	.....	22nd Feb., 1869. 30th October, 1869.
	23, 32, 33, 39, 42, 45, 48, 58, 61, 62, 66, 70, 76, 78, 80.	Chap. 1. The Supply Bill, 1869.		17th July, 1869. 20th January, 1870.

		Chap. 3. An Act to define the privileges, immunities and powers of the Legislative Assembly, and to give summary protection to persons employed in the publication of Sessional Papers.	.....	26th Nov, 1869. 17th July, 1869.
			Chap. 22. An Act to amend Chap. 15 of C.S.U.C., intituled: "An Act respecting County Courts."	17th July, 1869.
			Chap. 30. An Act to provide for the Registration of Births, Marriages and Deaths.	do
			Chap. 34. An Act relating to Mining.	do
			Chap. 36. An Act to amend and consolidate the Law respecting the assessment of property in Ontario.	do
33 Vic., 1869. Chapters 1 to 75.	1–75.			21st Jan., 1870.
			Chaps. 5, 11, 12, 19, 24, 28, and 71 were not reported upon owing to the illness of the Minister of Justice, and consequently were left to their operation.	do
34 Vic., 1870-71. Chapters 1 to 105.	1–3, 5–16, 18–20, 47–49, 74, 76–98, 100–105. 19, 48, 99.			22nd Sept., 1871. 23rd Feb., 1872.
			Chap. 4. An Act to provide for the organization of the Territorial District of Thunder Bay.	do
			Chap. 17. An Act to provide for the establishment and government of a Central Prison for the Province of Ontario.	do
			Chap. 75. An Act to incorporate the Simpson Loom Company.	do
35 Vic., 1871-72. Chapters 1 to 119.	1-12, 14-35, 38-119.			10th Jan., 1873.
			Chap. 13. An Act to provide for the institution of suits against the Crown by Petition of Right and respecting procedure in Crown suits.	do
			Chap. 36. An Act for the prevention of corrupt practices at Municipal Elections.	do
			Chap. 37. An Act to establish Municipal Institutions in the Districts of Parry Sound, Muskoka, Nipissing and Thunder Bay.	do

ONTARIO—*Continued.*

Year.	Acts Allowed.	Acts Disallowed.	Acts Commented upon but not Disallowed.	Date of Order in Council.
36 Vic., 1873. Chapters 1 to 163.	1, 5-30, 32-34, 36-16, 49, 51-163.		Chap. 2. An Act to amend the Law respecting Elections of Members of the Legislative Assembly and respecting the trial of such Elections.	30th Aug., 1873.
			Chap. 3. An Act respecting the appointment of Queen's Counsel.	Not reported upon.
			Chap. 4. An Act to regulate the precedence of the Bar of Ontario.	do
			Chap. 31. An Act to make further provision as to the custody of Insane Persons	30th Aug., 1873.
			Chap 34. An Act to amend the Acts respecting Tavern and Shop Licenses	Not reported upon.
			Chap. 35. An Act to provide for the incorporation of Immigration Aid Societies in the Province of Ontario	30th Aug., 1873.
			Chap 47. An Act respecting the Municipal Loan Fund Debts and respecting certain payments to Municipalities	Not reported upon.
			Chap. 48. An Act respecting Municipal Institutions in the Province of Ontario.	do
			Chap. 50. An Act to organize the Municipality of Shuniah, and to amend the Acts for establishing Municipal Institutions in unorganized Districts	30th Aug., 1873.
			Chap. — An Act to incorporate the Loyal Orange Association of Western Ontario.	29th Aug, 1873.
			Chap. — An Act to incorporate the Loyal Orange Association of Eastern Ontario.	do
37 Vic., 1874. Chapters 1 to 103.	1-4, 6, 29-31, 33-58, 60-103.	Chap. 8. An Act to amend the Law respecting Escheats and Forfeitures.	Chap. 5. The Ballot Act, 1874.	1st April, 1875.
			Chap. 7. An Act to make further provision for the due administration of Justice.	do
			Chap. 28. An Act to amend and consolidate the Public School Law.	do
			Chap. 32. An Act to amend and consolidate the law for the sale of fermented or spirituous liquors.	do
			Chap. 59. An Act to amend the Act incorporating the Port Whitby and Port Perry Railway Company.	do

38 Vic., 1875. Chapters 1 to 94.	1-3, 5-11, 13-18, 20-27, 29-43, 45-65, 68-74, 76, 77, 79, 80-94.			30th Nov., 1875.
			Chap. 4. An Act respecting the operation of the Statutes of Ontario.	23rd Nov., '75, and 27th Dec., 1875.
			Chap. 12. An Act to amend the Act respecting Division Courts.	do
			Chap 19. An Act respecting Apprentices and Minors.	do
			Chap. 28. An Act to provide for voting by ballot at Municipal Elections.	do
			Chap. 44. An Act to enable the Corporation of the City of Kingston to close up a part of Union Street, with the water slip in front of the same, in the said City, and for other purposes.	do
			Chap. 66. An Act to incorporate the Alliance Insurance Company.	do
			Chap. 67. An Act to incorporate the Canada Fire and Marine Insurance Company.	do
			Chap. 68. An Act to incorporate the Industrial and Commercial Life Insurance Company of Canada.	do
			Chap. 75. An Act respecting the Union of certain Presbyterian Churches therein named.	23rd Nov., 1875.
			Chap. 78. An Act respecting the Methodist Church of Canada.	do
39 Vic, 1875-76. Chapters 1 to 114.	1-7, 10-22, 24-31, 33-76, 78, 80-91, 94, 95, 96, 97-114.			25th Oct, 1876.
			Chap. 8. An Act respecting certain Administrative matters therein mentioned.	do
			Chap. 9. An Act respecting the Legislative Assembly.	do
			Chap. 14. An Act respecting County Court Judges.	do
			Chap. 23. An Act respecting Insurance Companies.	26th March, 1877.
			Chap. 24. An Act to secure uniform conditions in policies of Fire Insurance.	25th Oct., 1877.
			Chap. 26. An Act to amend the law respecting the sale of fermented or spirituous liquors.	do
			Chap. 32. An Act to make further provision respecting Permanent Building Societies.	do
			Chap. 77. An Act to amend the Acts relating to the London, Huron and Bruce Railway Company.	do
			Chap. 79. An Act to incorporate the Niagara Falls and Lake Erie Railway Company.	do
			Chap. 92. An Act to incorporate the Home Fire Insurance Company.	do
			Chap. 93. An Act to incorporate the Union Fire Insurance Company.	do

ONTARIO—*Continued.*

Year.	Acts Allowed.	Acts Disallowed.	Acts Commented upon but not Disallowed.	Date of Order in Council.
40 Vic., 1877. Chapters 1 to 88.	1-3, 5, 7, 9-13, 15-16, 19-23, 25-65, 67-88.			25th Oct, 1877.
			Chap. 4. An Act respecting the Administration of Estates of Intestates dying without known relatives in Ontario.	do
			Chap. 6. An Act respecting the Revised Statutes of Ontario.	do
			Chap. 8. An Act to provide for certain amendments of the Law.	do
			Chap. 14. An Act respecting aid to certain Railways and the creation of a Railway Land Subsidy Fund	do
			Chap. 14. An Act for the encouragement of Agriculture, Horticulture, Arts and Manufactures.	do
			Chap. 18. An Act to amend the Acts respecting the sale of fermented or spirituous liquors.	do
			Chap. 24. An Act respecting the Territorial and Temporary Districts of the Province and the Provisional County of Haliburton.	do
			Chap. 66. An Act to incorporate the Standard Fire Insurance Company.	do
41 Vic, 1878. Chapters 1 to 75.	1-75.			31st May, 1879.
42 Vic., 1879. Chapters 1 to 95.	1-12, 15-18, 21-30, 32-49, 51-83, 85-95.			12th March, 1880.
	50.			9th Feb, 1880.
		Chap. 19. An Act respecting the Administration of Justice in the Northerly and Westerly parts of Ontario.		22nd March, 1880
			Chap 13. An Act respecting Grand Juries.....	11th Nov., 1879, and 12th March, 1880.
			Chap. 31. An Act to amend the Municipal Law.	12th March, 1880.
			Chap. 38. An Act to incorporate the Prudential Life Assurance Company of Ontario.	do

42 Vic., 1880. Chapters 1 to 83.	1-9, 11-83.		Chap. 10. An Act to abolish priority of and amongst Execution Creditors.	14th Feb , 1881. 24th March, 1881.
44 Vic., 1881. Chapters 1 to 91	1-10, 12-91.	Chap. 11 An Act for protecting the Public Interests in Rivers, Streams and Creeks.		3rd April, 1882. 19th May, 1881.
			Chap 5. An Act to consolidate the Surperior Courts, establish a uniform system of Pleading and Practice and make further provisions for the due Administration of Justice.	3rd April, 1882.
			Chap. 27. An Act to give increased efficiency to the Laws against Illicit Selling.	do
			Chap. 38. An Act to close part of a certain Road Allowance between the Townships of Kingston and the Village of Portsmouth.	do
			Chap. 57. An Act to amend the Acts incorporating the Toronto Gravel Road and Concrete Company.	6th March, 1882.
45 Vic., 1882. Chapters 1 to 89.	1-9, 11, 13, 15, 16, 19-22, 24-38, 40, 42-47, 49, 51, 54-56, 59, 61-66, 68, 70-73, 75, 86, 88, 89.			20th Sept., 1882.
		Chap. 14. An Act for protecting the Public Interests in Rivers, Streams and Creeks.		do
			Chap. 10. An Act for the removal of certain defects in the Law of Evidence.	6th March, 1883.
			Chap. 12. An Act respecting the restitution of Stolen Goods.	do
			Chap. 17. An Act to confer additional powers upon Joint Stock Companies.	6th March, 1883.
			Chap 23. An Act to amend the Municipal Act.	do
			Chap. 39. An Act to consolidate the Debenture Debt of the Town of Owen Sound.	do
			Chap. 41. An Act to enable the Corporation of the Town of Port Hope to incur liability for the construction and extension of Water Works, and for other purposes.	do
			Chap. 48. An Act to consolidate the General Debenture Debt of the Village of Yorkville.	do
			Chap. 50. An Act to incorporate the Galt Junction Railway Company.	do
			Chap. 52. An Act to incorporate the London Junction Railway Company.	do
			Chap. 53. An Act respecting the Debenture Debt of the London and Port Stanley Railway Company.	do

ONTARIO—*Concluded.*

Year.	Acts Allowed.	Acts Disallowed.	Acts Commented upon but not Disallowed.	Date of Order in Council.
45 Vic., 1882. Chapters 1 to 89—*Continued.*			Chap. 57. An Act to incorporate the Mississippi Valley Railway Company.	do
			Chap. 58. An Act to incorporate the Northern and North-Western Junction Railway Company.	do
			Chap. 60. An Act to incorporate the Prescott and Glengarry County Junction Railway Company.	do
			Chap 67. An Act to consolidate the Toronto and Nipissing Railway Company, the Whitby, Port Perry and Lindsay Railway Company, the Victoria Railway Company, the Toronto and Ottawa Railway Company, the Grand Junction Railway Company, and the Midland Railway of Canada.	do
			Chap. 69. An Act to incorporate the Western Counties Railway Company.	do
			Chap. 74. An Act to authorize the Gananoque Water Power Company to issue debentures.	do
			Chap. 87. An Act respecting St. Paul's Church in the Town of Woodstock.	do
46 Vic., 1882-83. Chapters 1 to 72.	1-9, 11, 12, 13-16, 19-72.	Chap. 10. An Act for protecting the Public Interests in Rivers, Streams and Creeks.		2nd June 1884. 16th March, 1883.
			Chap. 17. An Act to amend the Act relating to Market Fees.	2nd June, 1884.
			Chap. 18. An Act to consolidate the Act relating to Municipal Institutions.	do
47 Vic., 1884. Chapters 1 to 97.	1-12, 14-97.	Chap. 13. An Act respecting License Duties.		30th April, 1885. 30th April, 1884.
			Chap. 32. The Municipal Amendment Act, 1884.	30th April, 1885.
			Chap. 34. An Act to improve the Liquor License Laws	do
			Chap. 39. An Act for the protection of persons employed in Factories.	9th Feb., 1884.

48 Vic., 1885. Chapters 1 to 101.	1-4, 6-8, 10-12, 15-25, 27, 28, 30-101.			6th March, 1886.
			Chap. 5. An Act in respect of certain sums of money ordered by the Legislative Assembly to be impounded in the hands of the Speaker.	do
			Chap. 9. An Act to regulate the Fisheries of this Province.	do
			Chap. 13. An Act for further improving the Administration of the Law.	do
			Chap. 26. An Act respecting assignments for the benefit of creditors.	do
			Chap. 29. An Act respecting Wages.	do
49 Vic., 1886. Chapters 1 to 95.	1-95.			15th March, 1887.
			Chap. 16. An Act for further improving the Law.	do
50 Vic., 1887. Chapters 1 to 99.	1-7, 9-18, 20-35, 37-44, 46, 75, 78, 80, 82-99.			7th June, 1888.
			Chap. 2. An Act respecting the Revised Statutes of Ontario.	do
			Chap. 8. An Act to give early effect to certain amendments of the law recommended by the Statute Commissioners.	do
			Chap. 19. An Act to make further provisions respecting assignments for the benefit of creditors.	do
			Chap. 36. An Act for the protection of infant children.	do
			Chap. 45. An Act for the protection of Women in certain cases.	do
			Chap 76 An Act to incorporate the Fort Erie Ferry Railway Company.	do
			Chap 79. An Act to incorporate the Ottawa and Thousand Island Railway Company	do
			Chap. 81. An Act to incorporate the Southern Central Railway Company.	do

QUEBEC.

31 Vic., 1868. Chapters 1 to 59.	1-13, 15-23, 26-36, 37-45, 48-45.			4th July, 1868.
			Chap. 14. An Act to continue for a limited time the several Acts therein mentioned.	4th July, 1868. } 8th Feb., 1869. }
			Chap. 24. The Joint Stock Companies General Clauses Act.	do
			Chap. 25. An Act respecting the Incorporation of Joint Stock Companies.	do

QUEBEC—*Continued.*

Year.	Acts Allowed.	Acts Disallowed.	Acts Commented upon but not Disallowed.	Date of Order in Council.
			Chap. 37. An Act to amend the Acts relating to the Corporation of the City of Montreal, and for other purposes.	4th July, 1868. 8th Feb, 1869.
			Chap. 46. An Act to incorporate the Chambly Hydraulic and Manufacturing Company.	22nd Feb, 1869.
			Chap 47. An Act to incorporate the Canada Marine Insurance Company.	do
32 Vic., 1869. Chapters 1 to 96.	1-3, 5-96.	Chap. 4. An Act to define the Privileges, Immunities, and Powers of the Legislative Council and Legislative Assembly of Quebec, and to give summary protection to persons employed in the publication of Parliamentary Papers.		4th Nov., 1869. O.C. 25th Nov., 1869.
33 Vic., 1869-70. Chapters 1 to 63.	1-4, 6-63.		Chap. 5. An Act to uphold the Authority and Dignity of the Houses of the Quebec Legislature, and the Independence of the Members thereof, and to protect persons publishing Parliamentary Papers.	24th Oct., 1880. do
34 Vic., 1870. Chapters 1 to 68.	1, 3-68.		Chap. 2. An Act to consolidate and amend the Law respecting Licenses, and the duties and obligations of persons bound to hold the same.	22nd Sept., 1871. do

35 Vic., 1871. Chapter 1 to 52.	No special report was made on the Acts of this Session as they were all considered unobjectionable.			
36 Vic., 1872. Chapter 1 to 83.	1-51, 54-58, 60-83.			9th July, 1873. 7th May, 1874.
			Chap. 52. An Act to incorporate the Town of Nicolet.	9th July, 1873.
			Chap. 53. An Act to incorporate the Corporation of the Town of Lachine.	do
			Chap 59. An Act to amend the Act 23 Vic., Cap. 76, intituled: "An Act to incorporate the Village of Terrebonne as a Town."	do
37 Vic., 1873-74. Chapter 1 to 59.	1-54, 56-59.			14th June, 1875.
			Chap. 55. An Act to incorporate the Ottawa Iron and Steel Manufacturing Company (limited).	do
38 Vic., 1874-75. Chapters 1 to 101.	1-3, 5-6, 8-16, 18.			25th Oct., 1878.
		Chap. 47. An Act to incorporate the St. Lawrence Bridge Company.		do
			Chap. 4. An Act to encourage the manufacture of sugar from beet-root in the Province of Quebec.	do
			Chap. 7. An Act respecting the Election of Members of the Legislative Assembly of the Province of Quebec	do
			Chap. 76. An Act to amend and consolidate the Act of Incorporation of the City of Three Rivers, and the various Acts which amend the same.	do
			Chap. 78. An Act to amend the Act 36 Vic., Cap. 53, intituled: "An Act to incorporate the Corporation of the Town of Lachine."	do
			Chap. 79. An Act to incorporate the City of Hull.	do
			Chap. 81. An Act to incorporate the Atlantic Insurance Company of Montreal.	do
			Chap. 89. An Act to incorporate the Sherbrooke Gas Company.	do
			Chap. 98. An Act to authorize Geo. Benson Hall to make improvements in the River Chaudière, and exact tolls for the use thereof.	do

QUEBEC—*Continued.*

Year.	Acts allowed.	Acts Disallowed.	Acts Commented upon but not Disallowed.	Date of Order in Council.
			Chap. 17. An Act to divide the Registration Division of Montreal into three Registration Divisions.	25th Oct., 1876. 16th Nov., 1876.
			Chap. 28. An Act to amend the Act concerning the erection and division of Parishes and the building of Churches, Parsonage Houses, &c	do
			Chap. 29. An Act to amend Chap. 18 of the Consolidated Statutes of Lower Canada.	do
39 Vic., 1875. Chapters 1 to 88.	1, 3, 4, 8-18, 21-32, 34, 37-40, 44, 46-49, 51-55, 57-59, 61, 65-75, 77-88.			25th Oct , 1876.
			Chap. 2. An Act respecting the construction of the Quebec, Montreal and Occidental Railway.	do
			Chap. 6. An Act to further amend the Quebec License Act and the several Acts amending the same, and to extend the application thereof.	do
			Chap 33. An Act to amend and consolidate the various Acts respecting the Notarial Profession in this Province.	do
			Chap. 41. An Act to annex certain portions of the Township of Shawinegan, in the County of St Maurice, to the Parish of St. Flore, in the County of Champlain, for School, Municipal and Registration purposes, and for the purposes of Parliamentary Representation.	do
			Chap. 50. An Act to incorporate the City of Sherbrooke.	do
			Chap 56 An Act to amend the Act incorporating the Montreal, Portland and Boston Railway Company	do
			Chap. 60. An Act to incorporate the Patriotic Insurance Company of Canada.	21st Nov., 1876. 1st Dec., 1878.
			Chap. 62. An Act to change the name of the Provincial Permanent Building Society to that of the Provincial Loan Company, and to extend the powers thereof.	25th Oct., 1876.
			Chap. 64. An Act respecting a Company incorporated under the name of "Le Crédit Foncier du Bas-Canada."	do

			Chap 66. An Act to authorize the Victor Hudon Cotton Company, Hochelaga, to issue debentures on the security of the property of the said Company, and for other purposes.	do
			Chap. 76. An Act to incorporate the Musical Band of the Village of Lauzon.	do
			Chap. 7. An Act to compel Assurers to take out a License.	27th Oct., 1876.
			Chap. 35. An Act to amend an Act of this Province, 38 Vic., Chap. 29.	4th Dec., 1876.
			Chap. 36. An Act for the civil erection of several Parishes cut off from the territory of the old Parish of Notre Dame of Montreal.	
40 Vic., 1876. Chapters 1 to 82.	1-82.			9th Nov., 1877.
41 Vic., 1877-78. Chapters 1 to 61.	1-2, 4-25, 27-61.			23rd March, 1879.
			Chap. 3. An Act to amend and consolidate the Quebec License Act and its amendments.	do
			Chap. 26 An Act to define and regulate the limits of certain Municipalities and Parishes in the Counties of Nicolet, Arthabaska and Drummond, and to include in the County of Nicolet the portions of these Municipalities and Parishes not now included therein.	do
41-42 Vic., 1878. Chapters 1 to 15.	1-15.			22nd July, 1879.
42-43 Vic., 1879. Chapters 1 to 87.	1-57, 59, 61-87.			19th Nov., 1880.
			Chap. 58. An Act to consolidate and amend the Act incorporating the Town of St. Henri.	do
			Chap. 60. An Act to amend the Act incorporating the City of Sherbrooke (39 Vic., Chap. 50).	do
43-44 Vic., 1880. Chapters 1 to 105.	1-105.			3rd Sept, 1881.

QUEBEC—*Concluded.*

Year.	Acts Allowed.	Acts Disallowed.	Acts Commented upon but not Disallowed.	Date of Order in Council.
44-45 Vic., 1881. Chapters 1 to 93.	1-93.			22nd July, 1882.
			Chap. 46. An Act respecting Laval University, and for the purpose of increasing the number of its chairs of Arts and other faculties within the limits of the Province of Quebec.	22nd July, 1882. } 24th July, 1882. }
			Chap. 69. An Act to incorporate the Canadian Electric Light Company.	24th July, 1882.
			Chap. 72. An Act to incorporate the Quebec and Lévis Telephone Company.	do
45 Vic., 1882. Chapters 1 to 108.	1-108.			7th June, 1883.
			Chap. 4. An Act to facilitate the intervention of the Crown in Civil Cases in which the constitutionality of Federal or Provincial Acts is in question.	do
			Chap. 9 An Act to amend the Quebec License Law of 1878 (41 Vic., Chap. 3).	do
			Chap. 22. An Act to impose certain Direct Taxes on certain Commercial Corporations.	
			Chap. 35 An Act to further amend the Municipal Code of the Province of Quebec	do
			Chap. 103. An Act to incorporate the Town of Richmond.	
46 Vic., 1883. Chapters 1 to 101.	1-101.			29th June, 1884.
			Chap. 13. An Act to amend the Law respecting the constitution of the Superior Court.	do
			Chap. 55. An Act to confirm the Act of the Federal Parliament intituled: "An Act to amend and extend the Acts to empower the Stadacona Fire and Life Insurance Company to relinquish their Charter and to provide for the winding up of their affairs.	do
			Chap. 76. An Act to incorporate the Citizens' Gas Company of Montreal.	do

47 Vic., 1884. Chapters 1 to 97.	1-97.		Chap. 77. An Act to authorize the Government of Quebec to take possession of a certain Toll Bridge over the River Richelieu. Chap. 87. An Act to further amend the Act 27 Vic., Chap. 23, and the Act 39 Vic , Chap. 47. Chap. 90. An Act to incorporate the Town of Ste. Cunégonde.	8th July, 1885. do do do
48 Vic., 1885. Chapters 1 to 86.	1-9, 11-21, 23-31, 33-86.		Chap. 10. An Act respecting Escheats and property confiscated to the Crown. Chap. 22. An Act to amend the Code of Civil Procedure. Chap. 32. An Act to protect the life and health of persons employed in Factories.	15th March, 1886. do do do
49-50 Vic., 1886. Chapters 1 to 101.	1, 33, 35-38, 40-48, 51-97, 99-101.	Chap. 98. An Act respecting the Executive Power.	Chap. 34. An Act respecting the Bar of the Province of Quebec. Chap. 39. An Act to authorize certain Corporations and Institutions to lend and invest moneys in this Province. Chap. 49. An Act to amend the Act of this Province, 45 Vic., Chap. 103, respecting the Town of Richmond.	2nd April, 1887. 19th July, 1887. 2nd April, 1887. 23rd Aug., 1887. 2nd April, 1887. 9th Aug., 1887. 2nd April, 1887.
50 Vic., 1887. Chapters 1 to 80.	1-80.			9th June, 1888.

NOVA SCOTIA.

31 Vic., 1868. Chapters 1 to 100.	1, 3, 5-10, 12-17, 19-20, 22-36, 38-100.	Chap. 21. An Act to empower the Police Court in the City of Halifax to sentence juvenile offenders to the Halifax Industrial School.		22nd Feb., 1869. 20th Aug , 1869.

NOVA SCOTIA—*Continued.*

Year.	Acts Allowed.	Acts Disallowed.	Acts Commented upon but not Disallowed.	Date of Order in Council.
			Chap. 2. An Act to amend Chapter 120 of the Revised Statutes 'Of the Solemnization of Marriage and the Registration of Marriages,-Births and Deaths, and the Act in amendment thereof.'	20th Aug., 1869.
			Chap. 4. An Act to amend Chap. 137 of the Revised Statutes 'Of the relief of Insolvent Debtors.'	do
			Chap. 11. An Act to amend Chap. 72 of the Revised Statutes 'Of Commissioners of Sewers and the regulating of Dyked and Marsh Lands.'	22nd Feb., 1869.
			Chap. 18. An Act to amend the Act for the appointment of a Stipendiary Magistrate and Police Constable in the Town of Pictou.	20th Aug., 1869.
			Chap 37. An Act to amend the Act to incorporate the Union Marine Insurance Company of Nova Scotia	do
32 Vic., 1869. Chapters 1 to 78.	1-10, 13-15, 17-78.			9th Nov., 1869.
			Chap. 11. An Act to amend Chap 75 of the Revised Statutes 'Of Shipping and Seamen.'	do
			Chap. 12. An Act in addition to Chap. 162 of the Revised Statutes 'Of Offences against the Public Peace.'	do
			Chap. 16. An Act to amend Chap. 92 of the Revised Statutes 'Of the Preservation of useful Birds and Animals.'	do
33 Vic., 1870. Chapters 1 to 99.	1, 3-5, 7-16, 19-99.			24th Oct., 1870.
			Chap. 2. An Act to improve the Administration of Justice.	28th Sept., 1870.
			Chap. 6. An Act to amend Chap. 103 of the Revised Statutes 'Of the conveying of Timber and Lumber on Rivers and the removal of obstructions therefrom.'	24th Oct., 1870.
			Chap. 17. An Act to amend Chap. 79 of the Revised Statutes 'Of Pilotage, Harbours and Harbour Masters.'	do

34 Vic., 1871. Chapters 1 to 96.	1-31, 33-96.			19th Oct., 1871.
		Chap. 32. An Act to regulate Pilotage in the Bras d'Or Lake, in the Island of Cape Breton.		16th Dec., 1871.
			Chap. 57. An Act to incorporate the Nova Scotia Mutual Fire Insurance Company.	do
35 Vic., 1872. Chapters 1 to 119.	1-119.			4th March, 1873.
36 Vic., 1873. Chapters 1 to 95.	1-37, 41-95.			7th Sept., 1874.
			Chap. 38. An Act to incorporate the Whitehaven, New Glasgow and North Shore Railway.	do
			Chap. 39. An Act to incorporate the Sydney and East Bay Railway Company.	do
			Chap. 40 An Act to incorporate the Nictaux and Atlantic Railway Company.	do
37 Vic., 1874. Chapters 1 to 104.	1-13, 16, 17, 19-61, 64-67, 70-73, 75-81, 84-103.			12th Dec., 1874.
		Chap. 74. An Act to incorporate the Halifax Company, limited.		4th Dec., 1874.
		Chap. 82. An Act to incorporate the Eastern Steamships Company.		31st March, 1875.
		Chap. 83. An Act to incorporate the Anglo-French Steamship Company.		12th Dec., 1874.
			Chap. 14 An Act to amend the Revised Statutes 'Of Licenses for the sale of Intoxicating Liquors.'	No O. C. passed.
			Chap. 15. An Act to prevent the sale of Intoxicating Liquors at Camp Meetings.	do
			Chap 18. An Act to establish County Courts.	12th Dec., '74. and 26th Oct., 1875.
			Chap. 62. An Act to incorporate the Eastern Counties Railroad Company.	12th Dec., 1874.
			Chap 63. An Act to incorporate the Inverness Railway Company.	do
			Chap. 68. An Act to incorporate the Styles Mining Company, limited.	do
			Chap. 69. An Act relating to the General Mining Association, limited.	do

NOVA SCOTIA—*Continued.*

Year.	Acts Allowed.	Acts Disallowed.	Acts Commented upon but not Disallowed.	Date of Order in Council.
			Chap. 104. An Act to facilitate arrangements between Railway Companies and their Creditors.	do
38 Vic., 1875. Chapters 1 to 116.	1-24, 26-28, 30-65, 67-74, 80-88, 93-116.			19th Sept., 1876.
			Chap. 25. An Act for amending the Law relating to Election Petitions, and for providing more effectually for the prevention of corrupt practices at Elections.	do
			Chap. 29. An Act to continue the Acts of incorporation of Wharf, Pier and Breakwater Companies.	do
			Chap. 76. An Act to incorporate the Globe Marine Insurance Company.	19th Sept., '76, and 37th Oct., 1876.
			Chap. 77. An Act to continue and amend the Act relating to the Nova Scotia Marine Insurance Company.	do
			Chap. 78. An Act to incorporate the Maitland Marine Insurance Company.	do
38 Vic., 1875. *Continued.*			Chap 79. An Act relating to the Union Marine Insurance Company of Nova Scotia.	27th Oct., 1876. 19th Sept., 1876.
			Chap. 89. An Act to incorporate the Colchester Lumber Driving and Manufacturing Company.	19th Sept., 1876.
			Chap. 90. An Act to incorporate the St. Margaret's Bay Lumber and Timber Driving Company.	do
			Chap. 91. An Act to incorporate the Cumberland Driving Company.	do
			Chap. 92. An Act to incorporate the Liscombe River Driving Company.	do

39 Vic., 1876. Chapters 1 to 99.	2-21, 23, 25-41, 44-48, 50-87, 89-91, 93-99.			16th Nov., 1876.
			Chap 1. An Act to alter and amend Chap. 75 of the Revised Statutes 'Of Licenses for the sale of Intoxicating Liquors and the Acts in amendment thereof.'	do
			Chap. 22. An Act respecting the Legislature of Nova Scotia.	do
			Chap. 24. An Act to amend Chap. 25 of the Revised Statutes, 4th Series, 'Of the Church of England'	do
			Chap. 42. An Act respecting the Lower Chezzetcook Dyke, in the County of Halifax.	do
			Chap. 43. An Act to provide for supplying the Town of Dartmouth with water.	do
			Chap. 49. An Act to amend the Act to incorporate the Town of Truro.	do
			Chap. 88. An Act to amend the Act to incorporate the Colchester Lumber Driving and Manufacturing Company.	do
			Chap 92. An Act to incorporate the Nova Scotia Fishing Company, limited.	do
40 Vic., 1877. Chapters 1 to 88.	1-24, 26-56, 58-66, 68-88.			1st April, 1878.
			Chap. 25. An Act to further amend the Laws for the preservation of useful Birds and Animals.	do
			Chap. 57. An Act further to amend the Act to incorporate the Town of New Glasgow.	1st April, 1878, 13th July, 1878
			Chap. 67. An Act to incorporate the Truro Marine Insurance Company.	1st April, 1878.
			Chap. 81. An Act to incorporate the Bedford Grain Importation, Milling and Manufacturing Company.	2nd July, 1878.
41 Vic., 1878. Chapters 1 to 78.	1-78.			25th June, 1879.
42 Vic, 1879. Chapters 1 to 91.	1-21, 23-91.			22nd June, 1880.
			Chap. 22. An Act respecting Escheats.	5th Oct., 1880.
43 Vic, 1880. Chapters 1 to 77.	1-77.			29th July, 1881.
			Chap. 9. An Act to amend Chap. 85, Revised Statutes, 3rd Series, 'Of the Regulation and Inspection of Provisions, Lumber, Fuel and other merchandize.'	do

NOVA SCOTIA—*Continued.*

Year.	Acts Allowed.	Acts Disallowed.	Acts Commented upon but not Disallowed.	Date of Order in Council.
			Chap. 11. An Act to amend the laws relating to Barristers and Attorneys.	29th July, 1881.
			Chap. 68. An Act to amend the Act to incorporate the Nova Scotia Society for the Prevention of Cruelty to Animals.	do
44 Vic., 1881. Chapters 1 to 75.	1-10, 12-15, 17-75.			9th Feb., 1882.
			Chap. 11. An Act in reference to Crown Lands and Crown Surveyors.	do
			Chap. 16. An Act to amend the Nova Scotia Railway Act, 1880.	6th March, 1882, 12th Oct., 1882.
45 Vic., 1882. Chapters 1 to 90.	1-19, 22-60, 62-72, 74-90.			26th Feb., 1883.
			Chap. 20. An Act for the Consolidation of the Nova Scotia Railways.	26th Feb., 1883, 24th April, 1883.
			Chap. 21. An Act to amend the Nova Scotia Railway Act of 1880, and the Act in amendment thereof.	do
			Chap. 61. An Act to incorporate the Eastern Development Company (limited).	26th Feb., 1883.
			Chap. 73. An Act to incorporate the Pictou Oil Company.	do
46 Vic., 1883. Chapters 1 to 87.	1-18, 20, 22-87.			6th May, 1884.
			Chap. 19. An Act to authorize the raising of a Provincial Loan.	23rd May, 1885.
			Chap. 21. An Act respecting the Eastern Extension Railway.	do

47 Vic., 1884. Chapters 1 to 81.	1, 2, 4-8, 10-18, 20-24, 26-31.			4th April, 1885.
			Chap. 3. An Act respecting a Provincial Loan.	6th Sept., 1884.
			Chap. 9. An Act to impose duties on Licenses issued under the Dominion Liquor License Act, 1883.	4th April, 1885.
			Chap. 19. An Act to amend Chap. 137, Revised Statutes, 3rd Series 'Of the relief of Insolvent Debtors.'	do
			Chap. 25. An Act to improve the Administration of Justice.	do
48 Vic., 1885. Chapters 1 to 115.	2-22, 24-30, 32-38, 40-115.			7th April, 1887.
			Chap. 1. An Act respecting the 5th Series of the Revised Statutes, and also the Revised Statutes, 5th Series.	27th Aug., 1886, 7th April, 1887.
			Chap. 23. An Act to enable the Government of Nova Scotia to appropriate Lands for public purposes.	do
			Chap. 36. An Act to confirm sales of land under Order of Supreme or Equity Courts.	do
			Chap. 39. An Act to confirm and give effect to an Indenture, bearing date the 27th July, 1883, and purporting to be made between the North American Construction Company, of the 1st part, the Great American and European Short Line Railway Company, of the 2nd part, and Wm. Stewart and W. H. Chisholm, of the 3rd part, and also purporting to be executed for the said Companies by Charles L. Snow.	do
49 Vic., 1886. Chapters 1 to 168.		Chap. 56. An Act concerning the collection of Freight and Wharfage and Wharehouse Charges.		11th April, 1887.
			Chap. 1. An Act to authorize certain grants in aid of Railways, and to provide for the completion and consolidation of the Railways between Halifax and Yarmouth.	13th Jan., 1887, 5th April, 1887.
			Chap. 2. An Act to incorporate the Halifax and Great Western Railway Company.	17th Sept, 1887, 5th April, 1887.
			Chap. 3. An Act respecting the sale of Intoxicating Liquors.	5th April, 1887, 17th Sept, 1887.
			Chap. 5. An Act respecting Public Charities.	
			Chap. 16. An Act respecting the Western Counties Railway.	17th Sept., 1887.

NOVA SCOTIA—*Concluded.*

Year.	Acts Allowed.	Acts Disallowed.	Acts Commented upon but not Disallowed.	Date of Order in Council.
			Chap. 81. An Act to provide for the Management and Improvement of the Cemetery in Upper Stewiacke, in the County of Colchester.	5th April, 1887, 17th Sept., 1887.
			Chap. 86. An Act to amend the Acts relating to the Town of Dartmouth.	5th April, 1887, 17th Sept., 1887.
			Chap. 98. An Act to incorporate the Town of Kentville.	5th April, 1887, 17th Sept., 1887.
			Chap. 105. An Act to consolidate and amend the Acts relating to the Town of New Glasgow.	5th April, 1887, 17th Sept., 1887.
			Chap. 136. An Act to incorporate the Forest Hill Cemetery Company, County of Colchester.	5th April, 1887, 17th Sept., 1887.
			Chap. 147. An Act to incorporate the Trustees of South Brook Cemetery, in the County of Inverness.	5th April, 1887, 17th Sept., 1887.
			Chap. 169. An Act to incorporate the Plymouth Cemetery Company.	5th April, 1887, 17th Sept., 1887.

NEW BRUNSWICK.

31 Vic., 1868. Chapters 1 to 72.	1-9, 11, 12, 14, 15, 17-19, 21-24, 27-30, 33-36, 38, 40-53, 58-61, 63, 64, 67-72.			4th July, 1868.
	10.			18th Sept., 1868.
	13, 16, 20, 26, 31, 32, 37, 39, 54, 55, 62, 65, 66.			12th Sept., 1868.
			Chap. 25. An Act to exempt the Homestead of families from levy and sale on execution.	18th Sept., 1868.
			Chap. 56. An Act relating to the Central Bank of New Brunswick.	do
			Chap. 57. An Act to extend the time for the building of the Albert Railway.	do

32 Vic., 1869. Chapters 1 to 93.	1, 2, 4, 5, 7, 8, 10, 12, 13, 14, 16-33, 35-53, 55-68, 70-79, 81-85, 87-91.			17th Aug., 1869.
	92.			20th Aug., 1869.
	6, 9, 11, 15, 34, 54, 69, 80, 86.			9th Nov., 1869.
			Chap. 3. An Act in amendment of the Act of Assembly, 24 Vic., Chap. 30, relating to the Police Force in the City of St. John.	do
			Chap. 93. An Act relating to Marriage Licenses.	12th April, 1870.
			An Act in addition to and in amendment of Chap. 60, Title VIII of the Revised Statutes "Of Harbours."	6th April, 1870.
33 Vic., 1870. Chapters 1 to 88.	1-88.			24th Oct., 1870.
			Chap. 35. An Act to divide the Parish of St. Stephen in the County of Charlotte, and to erect a separate District for Ecclesiastical purposes.	do
34 Vic., 1871. Chapters 1 to 78.	2, 4, 5, 7-18, 20, 22-78.			22nd Jan. 1872.
	3.			7th June, 1871.
			Chap. 1. An Act relating to Police Establishment in the City of Fredericton.	22nd Jan., 1872.
			Chap. 6. An Act in addition to an Act passed in the 33rd year of the Reign of Her Present Majesty, intituled: "An Act to continue and amend an Act to regulate the sale of Spirituous Liquors."	do
			Chap. 19. An Act to authorize the appointment of a District or Stipendiary Magistrate for the County of Gloucester.	22nd Jan , 1872.
			Chap. 21. An Act relating to Common Schools.	do
35 Vic., 1872. Chapters 1 to 73.	1-73.			7th April, 1873.
36 Vic., 1873. Chapters 1 to 103.	1-12, 14-28, 30-85, 87, 89, 90, 94-99, 101, 102.			7th Sept., 1874.
			Chap. 13. An Act further relating to the several County Courts of New Brunswick.	do
			Chap. 29. An Act to establish certain Courts in the County of Madawaska.	do

NEW BRUNSWICK—*Continued.*

Year.	Acts Allowed.	Acts Disallowed.	Acts Commented upon but not Disallowed.	Date of Order in Council.
			Chap. 86. An Act to incorporate the St. George Red Granite Company (limited).	7th Sept., 1874.
			Chap. 88. An Act to incorporate the Lake George Railway Company.	do
			Chap. 91. An Act to authorize David H. Budge and Samuel Stanton to erect a Boom across Eel River (near the mouth thereof) in the County of York; also Side Booms and Piers in connection therewith	do
			Chap. 92. An Act to incorporate the North-West Boom Company.	do
			Chap. 93. An Act to incorporate the Bay of Fundy Red Granite Company (limited).	do
			Chap. 100. An Act to incorporate the Black Creek Stream Driving Company.	do
			Chap. 103. An Act to incorporate certain Districts in the Parish of St. Stephen, in the County of Charlotte, to be known as the Town of Milltown.	do
37 Vic., 1874. Chapters 1 to 121.	1-121			29th May, 1874.
			Chap. 61. An Act to further continue and amend the Act incorporating the Meduxnakik Boom Company	do
38 Vic., 1875. Chapters 1 to 143.	1-3, 5-10, 12, 14, 15-37, 39, 41-67, 69-99, 101-108, 110, 112, 115-117, 119, 120-122, 124, 126, 128, 130-142.			25th Oct., 1876.
			Chap. 11. An Act to provide for the Establishment, Maintenance and Management of Reformatory and Industrial Schools.	8th Dec., 1876.
			Chap. 13. An Act to authorize the issue of Provincial Debentures for certain purposes.	25th Oct., 1876.
			Chap. 38. An Act to amend an Act to incorporate the Fredericton Boom Company and the several Acts in amendment thereof.	do

			Chap. 40. An Act to incorporate the Town of Moncton.	do
			Chap 100. An Act to provide for the establishment of a Police Force and Lock-up House at Caraquet, in the County of Gloucester.	do
			Chap. 111. An Act to incorporate the Maritime Mutual Fire Insurance Company.	do
			Chap. 116. An Act to incorporate the St. Croix Wharf Company.	do
			Chap. 118. An Act to incorporate the Shediac Station Wharf Company.	do
			Chap. 123. An Act to incorporate the Belliveau Albertite and Oil Company.	do
			Chap. 125. An Act to incorporate the Red Granite Company of St. George.	do
			Chap 127. An Act to authorize the erection of a Boom across the Jacquet River, in the County of Northumberland.	do
			Chap. 129. An Act to incorporate the Eel River Driving Company.	do
			Chap. 143. An Act to incorporate the Meduxnakik Steam Driving Company.	do
39 Vic, 1876. Chapters 1 to 68.	1-50, 53-62, 64-68.			25th Oct., 1876.
			Chap. 51. An Act to incorporate the New Brunswick Red Granite Company.	do
			Chap. 52. An Act to incorporate the Lepreaux Red Granite and Freestone Company.	do
39 Vic., 1876. *Continued.*			Chap. 63. An Act to incorporate the Pollit River Log Driving Company.	25th Oct., 1876.
40 Vic., 1877. Chapters 1 to 50.	1, 2, 4-10, 12-24, 26, 28-50.			22nd Feb., 1878.
			Chap. 3. An Act relating to Municipalities.	do
			Chap. 11. An Act relating to Fences, Trespasses and Pounds.	do
			Chap. 25. An Act to regulate the Sale of Spirituous Liquors in the Parishes of Lancaster, Simonds and St Martin's, in the County of St. John.	do
			Chap. 27. An Act to increase the facilities for the Collection of Small Debts in the City of Fredericton.	do

NEW BRUNSWICK—*Continued.*

Year.	Acts Allowed.	Acts Disallowed.	Acts Commented upon but not Disallowed.	Date of Order in Council.
			Chap. 29. An Act to continue and amend an Act passed in the 16th year of the reign of Her Majesty, intituled: "An Act to incorporate the Courtenay Bay Bridge Company."	22nd Feb., 1878.
41 Vic., 1877. Chapters 1 to 23.	1-23.			28th Sept., 1878.
			Chap. 8. An Act to define and establish the Side Lines of Streets in the City of St. John, and to prevent encroachments on the Public Streets.	do
41 Vic., 1878. Chapters 24 to 113.	92. 24-91, 93-113.			3nd July, 1878. 28th Oct, 1879.
			Chap. 49. An Act in reference to the sale of Spirituous Liquors within the Town of Moncton.	do
42 Vic., 1879. Chapters 1 to 65.	1-65.			24th Jan., 1882.
			Chap. 29. An Act to incorporate the Sheer Boom Improvement Company.	do
			Chap. 30. An Act to incorporate the Restigouche Boom Company.	do
43 Vic., 1880. Chapters 1 to 58.	1-58.			12th July, 1881.
44 Vic., 1881. Chapters 1 to 74.	1-74.			24th July, 1882.
			Chap. 19. An Act relating to the Qualifications of Physicians and Surgeons.	do
			Chap 44. An Act to incorporate the St. John Bridge and Railway Extension Company.	do

45 Vic , 1882. Chapters 1 to 100.	1-68, 70-100.			26th Feb., 1883.
		Chap. 69. An Act to incorporate the Fredericton and St. Mary's Bridge Company.		6th March, 1883 24th July, 1883.
			Chap. 9. An Act in amendment of Chap. 51 of the Consolidated Statutes in County Courts.	6th March, 1883.
			Chap. 87. An Act to revive, continue and amend the several Acts relating to Courtenay Bay Bridge Company.	do
46 Vic., 1883. Chapters 1 to 83.	1-83.			25th Feb., 1884.
			Chap. 17. An Act in amendment of and in addition to an Act passed in the 38th year of the reign of Queen Victoria, intituled : " An Act to incorparate the Town of Moncton."	11th June, 1884.
			Chap. 37. An Act to provide for the appointment of a Police Magistrate and to establish a Lock-up in Shediac, Westmoreland County.	do
47 Vic., 1884. Chapters 1 to 66.	1-66.			4th April, 1885.
			Chap. 11. An Act to reduce the Expense of maintaining Government House, and relating to the Salary of the Private Secretary of the Lieutenant-Governor.	do
			Chap. 13. An Act respecting the granting of Licenses for the sale of Spirituous Liquors.	do
			Chap. 19. An Act respecting Law Stamps.	do
48 Vic., 1885. Chapters 1 to 72.	1-72.			16th March, 1886.
			Chap. 1. An Act to amend and explain Chap. 19, 47 Victoria : " An Act respecting Law Stamps and the several Acts to which it is in amendment."	do
49 Vic., 1886. Chapters 1 to 90.	1-24, 26, 27, 29-90.			2nd April, 1887.
			Chap. 25. An Act to incorporate the Town of Marysville.	do
			Chap 28. An Act to incorporate the Saint Croix Electric Light and Water Company.	do

MANITOBA.

Year.	Acts Allowed.	Acts Disallowed.	Acts Commented upon but not Disallowed.	Date of Order in Council.
34 Vic., 1871. Chapters 1 to 36.	1-8, 10-36.			19th Oct., 1871.
			Chap. 9. An Act authorizing the appointment of Magistrates and Coroners.	do
35 Vic., 1872. Chapters 1 to 24.	1, 2, 4, 5, 17-24.			16th April, 1873.
			Chap. 3. An Act to amend an Act to establish a Supreme Court in the Province of Manitoba.	do
			Chap. 6. An Act for the registration of Votes.	do
36 Vic, 1873. Chapters 1 to 45.	1, 3-17, 19, 20, 22, 23, 25-31, 33-41, 45.			7th Sept., 1874.
		Chap. 2. An Act to define the privileges, immunities and powers of the Legislative Council and of the Legislative Assembly of Manitoba, and to give summary protection to persons employed in the publication of Sessional Papers.		do
		Chap. 32. An Act to incorporate the Winnipeg Board of Trade.		7th Sept., 1874.
			Chap. 18. An Act to amend the Act concerning the Registration of Deeds, and to introduce a better system of Registration.	do
			Chap. 21. An Act to make provisions for enquiries concerning Public Matters.	do
			Chap. 24. An Act respecting Municipalities.	do
			Chap. 42. An Act to impose a Tax on Wild Lands.	27th Feb., 1874.
			Chap. 43. An Act respecting Aliens.	do
			Chap. 44. The Half-breed Land Grant Protection Act.	do
			Chap. 45. An Act to incorporate the Eastern Railway Company of Manitoba	do

37 Vic., 1873-74. Chapters 1 to 24.	1-4, 6, 8-11, 13, 16-18, 20-24.			11th Jan., 1875.
			Chap. 5. An Act to provide a fair and equitable redistribution of the Electoral Divisions of the Province	
			Chap. 7. An Act to incorporate the City of Winnipeg.	do
			Chap. 12. An Act respecting the Court of Queen's Bench in Manitoba.	do
			Chap. 14. An Act respecting the Registration of Co-partnership.	
			Chap. 15. An Act to require certain Foreign Corporations, Associations and Co-partnerships to enregister within this Province.	do
			Chap. 19. An Act to amend the Act of 1873, to regulate the sale and traffic of Intoxicating Liquors.	do
38 Vic., 1875. Chapters 1 to 52.	1, 3, 4, 7, 8, 10, 11, 13-17, 19.			7th Oct., 1876.
		Chap. 12. An Act to regulate proceedings against and by the Crown.		6th June, 1876.
		Chap. 18. An Act respecting Estreats, Fines, Penalties and Forfeitures.		16th Aug., 1876.
		Chap. 33. An Act to afford facilities to the construction of a Bridge over the Assiniboine River, between the City of Winnipeg and St. Boniface West.		7th Oct., 1876.
38th Vic., 1875. *Continued.*		Chap. 37. An Act to amend Chap. 46, 37, Vic, intituled: "The Half-breed Land Grant Protection Act."		7th Oct., 1876.
		Chap. . An Act respecting Lands Surveyors and the Survey of Land in Manitoba.*		7th Feb., 1876.
			Chap. 2. An Act respecting the Election of Members of the Legislative Assembly of the Province of Manitoba.	7th Oct., 1876.
			Chap. 5. An Act respecting the Administration of Justice.	16th Aug., 1876.

* This Bill was reserved for the assent of His Excellency the Governor General.

MANITOBA—*Continued.*

Year.	Acts Allowed.	Acts Disallowed.	Acts Commented upon but not Disallowed.	Date of Order in Council.
			Chap. 6. An Act respecting Grand Jurors.	16th Aug., 1876.
			Chap. 9. An Act respecting the Qualification of Justices of the Peace.	do
			Chap. 20. An Act respecting the storage of Gunpowder in and near the incorporated Towns and Cities in the Province.	7th Oct., 1876.
			Chap. 21. An Act respecting Building Societies.	do
			Chap. 23. An Act to make provision as to the custody of Insane Persons.	do
	23-25, 28, 29, 32, 34, 36, 38-40, 42-45, 47-49, 51, 52.			do
			Chap. 26. An Act to amend the Act intituled: "An Act for the protection of the Wood Lands of the Province."	do
			Chap. 27. An Act to further amend the Act to establish a system of Education in this Province.	do
			Chap. 30. An Act to amend the Act of 1873 to regulate the sale and traffic of Intoxicating Liquors.	do
			Chap. 31. An Act respecting Municipalities.	do
			Chap. 41. An Act respecting County Municipalities.	do
			Chap. 46. An Act to incorporate the Manitoba Western Railway Company.	do
			Chap. 50. An Act relating to the City of Winnipeg.	do
39 Vic., 1876. Chapters 1 to 29.	2, 4, 6, 13-29.			25th Oct., 1876.
			Chap. 1. An Act to amend the School Acts of Manitoba, so as to meet the special requirements of incorporated Cities and Towns.	do
			Chap. 3. An Act respecting Jurors and Juries.	do
			Chap. 5. An Act to provide for the appointment of a Fire Commissioner for the Cities and Towns in Manitoba, and to define his powers and duties.	do
			Chap. 7. An Act to make better provision for the securing of Order at Municipal Elections, and for other purposes.	do

			Chap. 8. An Act to provide for the incorporation of Mutual Fire Insurance Companies in the Province of Manitoba.	do 22nd May, 1877.
			Chap. 9. An Act respecting the Public Works of Manitoba.	do
			Chap. 10. An Act concerning the opening of certain Public Roads.	do
			Chap. 11. An Act respecting the Bureau of Agriculture and Statistics.	
			Chap. 12. An Act respecting the Legislative Assembly.	
			Chap. 2. An Act respecting the Practice in the Courts.	20th April, 1876.
			Chap. 28. An Act to diminish the Expenses of the Legislature of the Province of Manitoba in certain respects.	do
40 Vic., 1877. Chapters 1 to 48.	1-4, 7-11, 13, 16, 18-29, 31-33, 35-42, 44, 48.			19th Feb., 1878.
			Chap. 5. An Act to amend the Act passed in the 37th year of Her Majesty's reign, intituled: "The Half-breed Land Grant Protection Act."	4th May, 1878.
			Chap. 6 An Act respecting County Municipalities.	19th Feb., 1878.
			Chap. 12. An Act to amend the Act to establish a system of Education in this Province.	do
			Chap. 14. An Act respecting the Study and Practice of Law.	do
			Chap. 15. An Act to authorize Corporations and other Institutions incorporated out of the Province of Manitoba to lend and invest Moneys therein.	do
			Chap. 17. An Act to legalize the Lists of the Parliamentary Electors of 1877 for the City of Winnipeg.	do
			Chap. 30. An Act respecting Companies for the establishment of Cemeteries in Manitoba.	do
			Chap. 31. An Act to amend the Acts relating to the sale and traffic of Intoxicating Liquors and the granting of Licenses in this Province.	do
40 Vic., 1877. *Continued.*			Chap. 43. An Act to amend the amended Act respecting the incorporation of the City of Winnipeg.	19th Feb., 1878.
			Chap. 45. An Act to incorporate the Manitoba Investment Association.	25th Oct., 1876. 19th Feb., 1878.

MANITOBA—*Continued.*

Year.	Acts Allowed.	Acts Disallowed.	Acts Commented upon but not Disallowed.	Date of Order in Council.
41 Vic, 1878. Chapters 1 to 38.	1-12, 15-38.			11th Oct., 1880.
			Chap. 13. An Act to create a Fund for Educational purposes.	do
			Chap. 14. An Act to regulate the sale of Intoxicating Liquors and the granting of Licenses in this Province.	do
42-43 Vic., 1879. Chapters 1 to 37.	1-37.			11th Oct., 1880.
			Chap. 12. An Act respecting Grand and Petit Jurors and Juries, and to amend the Manitoba Jurors' Act	do
43 Vic., 1880.			[The Acts of this Session do not appear to have been reported upon.]	
44 Vic., 1881. Chapters 1 to 42.		Chap. 37. An Act to incorporate the Winnipeg South Eastern Railway Company.		12th Jan., 1882.
		Chap. 38. An Act to incorporate the Manitoba Tramway Company.		3rd Nov., 1882.*
		Chap. 39. An Act to incorporate the Emerson and North Western Railway Company.		do
			Chap. 2. An Act to bring into force and operation the Consolidated Statutes of Manitoba.	4th March, 1883.
			Chap. 7. An Act to protect Guide Posts along certain Roads in this Province.	do
			Chap. 16. An Act respecting the Equity side of the Court of Queen's Bench.	
			Chap. 28. An Act for dividing the Province into Judicial Districts and establishing Courts therein.	do

			Chap. 33. An Act to incorporate the Southern Manitoba Loan Company	do
			Chap. 34. An Act for the incorporation of the Winnipeg Suspension Bridge Company.	do
	1, 3-6, 8-15, 17-32, 35, 40-42.			do
45 Vic., 1882. Chapters 1 to 55.	1-29, 30-55.			26th June, 1883.
		Chap. 30. An Act to encourage the building of Railways in Manitoba.		3rd Nov., 1882.
			Chap. 16. An Act to amend 44 Victoria, Chap. 3, intituled: "An Act respecting Municipalities"	6th March, 1883.
			Chap. 24. An Act to amend 44 Victoria, Chap. 3, intituled: "An Act respecting Municipalities."	do
			Chap. 35. An Act to incorporate the City of Brandon.	do
			Chap. 36. Charter of the City of Winnipeg, Manitoba, consolidated from the Act of Incorporation of the City of Winnipeg.	do
			Chap. 54. An Act to amend 44 Victoria, Chap. 29, intituled: "An Act respecting the profession of Land Surveyors in the Province of Manitoba."	do
46-47 Vic., 1883. Chapters 1 to 92.	1-13, 15-18, 20-37, 39-46, 48-53, 60-77, 79-82, 84-92.			18th Feb., 1884.
47 Vic., 1884. Chapters 1 to 79.	1-10, 12-25, 27-31, 34-65, 74-77, 79.			27th Aug., 1885.
		Chap. 26. An Act respecting Escheats and Forfeitures and Estates of Intestates.		do
			Chap. 11. An Act to amend and revise the Acts relating to Municipalities.	do
			Chap. 32. An Act respecting Liquor Licenses.	do
			Chap. 33. An Act to provide for the revocation and cancellation of Liquor Licenses in certain cases.	do
			Chap. 78. An Act to consolidate and amend the several Acts of Incorporation of the City of Winnipeg.	do

* This O.C. also relates to Chap. 30 of 1882.

MANITOBA—*Concluded.*

Year.	Acts Allowed.	Acts Disallowed.	Acts Commented upon but not Disallowed.	Date of Order in Council.
47 Vic , 1884. Chapters 1 to 79.	1-67, 71-79.			22nd Mar., 1886.
		Chap. 68. An Act to incorporate the Emerson and North-Western Railway Company.		do
		Chap. 70. An Act to amend an Act to incorporate the Manitoba Central Railway Co.		do
			Chap. 69. An Act to amend an Act to incorporate the Manitoba Central Railway Company.	do
48 Vic , 1885. Chapters 1 to 55.	1, 3-14, 16, 19, 21-25, 27, 29-40, 42-44, 46-55.			13th Jan , 1887.
		Chap. 2. An Act respecting the Lieutenant Governor and His Deputies.		do
		Chap. 45. An Act to incorporate the Rock Lake Souris Valley and Brandon Railway Co.		22nd March, 1887.
			Chap. 15. An Act respecting the Court of Queen's Bench.	13th Jan., 1887.
			Chap. 17. An Act respecting the Administration of Justice.	do
			Chap. 18. An Act to amend Chapter 37 of the Consolidated Statutes of Manitoba.	do
			Chap 20. An Act respecting Promissory Notes and Bills of Exchange.	do
			Chap. 26. An Act to Consolidate and amend the Acts relating to Town Corporations.	do
			Chap. 28. An Act respecting Real Property in the Province of Manitoba.	do
			Chap. 41. An Act to amend Chapter 58 of the Consolidated Statutes of Manitoba, and Chapter 15, 46 and 47 Victoria, of the Province of Manitoba.	do

49 Vic., 1886. Chapters 1 to 72.	1-4, 6-14, 16-28, 30-40, 42-51, 53-58, 60-64, 66-72.		Chap. 5. An Act respecting Probate and Administration.	25th April, 1887. do
			Chap. 15. An Act respecting County Court Judges.	do
			Chap. 29. An Act respecting the Election of Members of the Legislative Assembly.	do
			Chap 41. An Act to further amend the Marriage License Law.	do
			Chap. 52. An Act to consolidate and amend the laws relating to Municipal Corporations.	do
			Chap. 59. An Act to incorporate the Saskatchewan and Western Railway Company.	do
			Chap. 65. An Act to incorporate the Shell River Railway Company.	do
50 Vic., 1887. Chapter 1.		Chap. 1. An Act to incorporate the Manitoba Central Railway Company.		9th Aug., 1887.
		Chap. 2. An Act to incorporate the Winnipeg and Southern Railway Company.		do
		Chap 4. An Act respecting the construction of the Red River Valley Railway.		6th July, 1887.
		Chap. 28. An Act for further improving the Law.		18th July, 1887.
		Chap. 47. An Act to amend the Public Works Act of Manitoba		6th July, 1887.
		Chap 54. An Act to incorporate the Emerson and North-Western Railway.		9th Aug., 1887.

BRITISH COLUMBIA.

35 Vic., 1872. Chapters 1 to 37.			Chap. 37. An Act to amend "The Qualification and Registration of Voters' Act, 1871."	30th Sept., 1872.

BRITISH COLUMBIA—*Continued.*

Year.	Acts Allowed.	Acts Disallowed.	Acts Commented upon but not Disallowed.	Date of Order in Council.
35 Vic , 1872. *Continued.*			Chap. . An Act to amend "The Military and Naval Settlers' Act, 1863 "*	30th Sept., 1872.
			Chap. . An Act to impose a Wild Land Tax.*	12th Oct., 1872.
			Chap. 4. An Act to define the privileges, immunities and powers of the Legislative Assembly, and to give summary protection to persons employed in the publication of Sessional Papers.	23rd Dec., 1872.
			Chap. 12. An Act to make provision for inquiries concerning Public Matters.	4th Jan., 1873.
			Chap. 31. An Act to amend "The Land Ordinance Act, 1870 "	do
			Chap 35. An Act respecting Municipalities.	do
			Chap. 26. An Act respecting the Registration of Births, Deaths and Marriages in the Province of British Columbia.	4th Jan., 1873.
			Chap 36. An Act to make provision for the Registration in British Columbia of certain Foreign Companies.	do
	1-3, 5-30, 32-34, 36.			do
36 Vic., 1872-73. Chapters 1 to 42.	5-22, 24-42.			13th March, 1874.
		Chap. 2. An Act to authorize one Justice of the Peace to do any act, matter or thing heretofore to be done by two Justices of the Peace, and to give an appeal to Courts of General or Quarter Sessions.		9th March, 1874.
			Chap. 1. An Act to amend "The Land Ordinance, 1870."	13th March, 1874.
			Chap. 3. An Act to amend "The Mineral Ordinance, 1869."	do
			Chap. 4. An Act to amend "The Gold Mining Ordinance, 1867," and "The Gold Mining Amendment Act, 1872."	do

* Reserved Bills.

37 Vic , 1873-74. Chapters 1 to 25.	1, 3, 5-8, 10, 11, 13-25.			23rd Jan., 1875.
		Chap. 2. An Act to amend and consolidate the Laws affecting Crown Lands in British Columbia.		16th March, 1875.
		Chap. 9. An Act to make provision for the better Administration of Justice.		do
			Chap. 4. An Act to extend the provisions of "The Coroner's Jury Act, 1866," to the Mainland of British Columbia.	do
			Chap. 12. An Act to make better provision for the Qualification and Registration of Voters.	do
38 Vic., 1875. Chapters 1 to 19.	1-4, 7-9, 10, 11, 12, 13, 14, 15, 16, 17, 19.			26th Oct., 1875.
		Chap. 6. An Act to make provision for the better Administration of Justice.		5th May, 1876.
			Chap. 5. An Act to amend and consolidate the Laws affecting Crown Lands in British Columbia.	10th Nov., 1875. } 6th May, 1876. }
			Chap. 18. An Act to make Powers of Attorney valid in certain cases.	7th Jan., 1876. } 6th May, 1876. }
39 Vic., 1876. Chapters 1 to 29.	1, 4, 6, 7, 9, 10, 13-23, 25-29.			4th Nov., 1876.
			Chap. 2. An Act to amend and consolidate "The Public School Acts."	do
			Chap. 3. An Act to provide for the maintenance of the Waggon Road from Yale to Cariboo.	do
			Chap. 5. An Act to make better provision for the Qualification and Registration of Voters.	do
			Chap. 8. An Act to assess levy and collect Taxes on Property in British Columbia.	do 24th May, 1877. }
			Chap. 11. An Act to amend "The License Ordinance, 1867."	do
			Chap 12. An Act to further amend "The License Ordinance, 1867."	do
			Chap. 24 An Act to amend "The Power of Attorney Act, 1875."	4th Nov., 1876.

BRITISH COLUMBIA—*Continued.*

Year.	Acts Allowed.	Acts Disallowed.	Acts Commented upon but not Disallowed.	Date of Order in Council.
40 Vic., 1877. Chapters 1 to 35.	1-4, 7, 8, 12, 16, 17, 18, 20, 21, 23, 25-29, 30, 31, 34.			12th Oct, 1877.
		Chap. 22. An Act to provide for the better Administration of Justice.		16th May, 1878.
		Chap. 32. An Act to incorporate the Alexandra Company (Limited).		do
		Chap. 33. An Act to incorporate the British Columbia Insurance Company (Limited).		do
			Chap. 5. An Act respecting the qualification for the offices of Mayor and Councillors in certain Municipalities.	12th Oct., 1877.
			Chap. 6. An Act to enable Municipal Corporations to pass By-Laws for the sale of Land for Taxes.	do
			Chap. 9. An Act to authorize certain Municipalities to retain and use the Court Fines, Fees and Forfeitures as part of the Civic Revenue.	do
			Chap. 10. An Act to amend "The Assessment Act, 1876."	do
			Chap. 11. An Act to prevent the destruction of Pasturage on the Islands in the Gulf of Georgia.	do
			Chap. 13. An Act to encourage the Mining of Gold Bearing Quartz	do
			Chap. 14. An Act relating to Minerals other than Coal.	do
			Chap. 15. An Act to make Regulations with respect to Coal Mines.	do
			Chap. 19. An Act to amend the Law relating to Procedure at Election of Members of the Legislative Assembly of British Columbia.	do
			Chap. 24. An Act to consolidate the Laws relating to the Legal Profession in this Province.	12th Oct, 1877. 28th Feb., 1878.
			Chap. 35. An Act to amend "The Gold Mining Amendment Act., 1872."	12th Oct, 1877.

42 Vic., 1878. Chapters 1 to 38.	1-19, 21-24, 26-34, 38.			1st Aug., 1879.
		Chap. 25. An Act relating to the Crown Lands in British Columbia.		22nd Aug., 1879.
		Chap 35. An Act to provide for the better collection of Provincial Taxes from Chinese.		23rd Aug., 1879.
		Chap. 37. An Act to amend "The Cariboo Waggon Road Tolls Act, 1876."		2nd Oct., 1879.
			Chap. 20. An Act to make further provision for the Administration of Justice.	1st Aug., 1879.
			Chap. 36. An Act to amend "The Assessment Act, 1876."	28th Oct., 1879.
43 Vic., 1879. Chapters 1 to 37.	1, 3, 4-11, 14, 16-22, 24-29, 31-37.			15th May, 1880.
			Chap. 2. An Act to enable the Lieutenant-Governor in Council to grant Charters for the erection of Toll Bridges.	do
			Chap 3. An Act to protect Winter Stock Ranges.	15th May, 1880. } 30th June, 1880. }
			Chap. 12. An Act to amend the Practice and Procedure of the Supreme Court of British Columbia, and for other purposes relating to the better Administration of Justice.	15th May, 1880.
			Chap. 13. Judicial District Act, 1879.	do
			Chap. 15. An Act respecting "The Sumass Dyking Act, 1878."	30th June, 1880.
			Chap 23. An Act to amend "The Licenses Ordinance, 1867."	do
			Chap. 30. The Public School Act, 1879."	15th May, 1880.
43 Vic., 1880. Chapters 1 to 32.	1-27, 30-32.			29th July, 1881.
		Chap. 28. An Act to amend "The Cariboo Waggon Road Tolls Act, 1876."		do
		Chap. 29. An Act respecting Tolls on the Cariboo Waggon Road.		do

BRITISH COLUMBIA—*Continued.*

Year.	Acts Allowed.	Acts Disallowed.	Acts Commented upon but not Disallowed.	Date of Order in Council.
			Chap 4. An Act to abolish the priority of and amongst Execution Creditors.	do
			Chap. 10. An Act respecting the fraudulent preferences of Creditors by persons in insolvent circumstances.	do
44 Vic., 1881. Chapters 1 to 28.	2-14, 16-28.			27th June, 1882.
			Chap. 1. An Act to carry out the objects of the better Administration of Justice, 1878.	do
			Chap. 15. An Act to amend "The Gold Mining and Mineral Acts."	do
45 Vic., 1882. Chapters 1 to 18.	1-7, 9-18.			12th May, 1883.
		Chap. 8. An Act to consolidate and amend the Laws relating to Gold and other Minerals, excepting Coal.		do
46 Vic., 1883. Chapters 1 to 37.	1-25, 29-37.			17th Oct., 1883.
		Chap. 26. An Act to incorporate the Fraser River Railway Company.		do
		Chap. 27. An Act to incorporate the New Westminster Railway Company.		do
			Chap. 25. An Act to incorporate the Columbia and Kootenay Railway Company.	19th Oct., 1883.
			Chap. 5. An Act relating to County Courts.	25th Feb., 1884.
			Chap. 10. An Act to amend "The Sumass Dyking Act, 1878."	do

			Chap. 14. An Act relating to the Island Railway, the Graving Dock and Railway Lands of the Province.	do
47 Vic., 1884. Chapters 1 to 35.	1, 5-9, 11-35.			29th March, 1885.
		Chap. 3. An Act to prevent the Immigration of Chinese.		8th April, 1884.
			Chap. 2. An Act to prevent Chinese from acquiring Crown Lands.	29th March, 1885.
			Chap. 4. An Act to regulate the Chinese Population of British Columbia.	do
			Chap. 10. An Act to consolidate and amend the Laws relating to Gold and other Minerals, excepting Coal	do
47 Vic., 1884. Chapters 1 to 35.				17th Sept., 1886.
			Chap. 4. An Act to regulate the Chinese Population of British Columbia.	do
43 Vic., 1885. Chapters 1 to 31.	1-8, 10-12, 14, 15, 17-24, 27, 28-31.			16th March, 1886.
		Chap. 9. An Act to amend "The Sumass Dyking Act, 1878."		do
		Chap. 13. An Act to prevent the Immigration of Chinese.		27th March, 1885. 16th do 1886.
		Chap. 16. An Act to amend the Land Act, 1884.		16th March, 1886.
			Chap. 25. An Act to consolidate the Public Schools Act.	do
			Chap. 26. An Act to authorize the appointment of a Commission of enquiry concerning the genuineness of an alleged transfer, dated 23rd June, from certain Indians to one J. M. M. Spinks.	do
			Chap. 28. An Act for the abolition of certain Tolls.	do
49 Vic., 1886. Chapters 1 to 35.	1-35.			7th April, 1887.
			Chap. 20. An Act respecting Land Surveyors and the Survey of Land.	do
			Chap. 25. An Act to incorporate the Vancouver Electric Light Co.	do
			Chap. 32. An Act to incorporate the City of Vancouver.	do

BRITISH COLUMBIA—*Concluded.*

Year.	Acts Disallowed.	Acts Disallowed.	Acts Commented upon but not Disallowed.	Date of Order in Council.
			Chap. 33. An Act to incorporate the Coquitlam Water Works Company—Limited.	do
			Chap. 35 An Act to incorporate the Vancouver Water Works Company, 1886.	do
50 Vic., 1887. Chapters 1 to 38.	1-6, 8-38.			19th April, 1888.
		Chap. 7. An Act to establish a Court of Appeal from the summary decision of Magistrates.		do

PRINCE EDWARD ISLAND.

37 Vic., 1874. Chapters 1 to 23.			Chap. 30. An Act to vest a certain portion of Government House Farm in the City of Charlottetown for certain purposes therein mentioned.	3rd April, 1874.
		Chap. . The Land Purchase Act, 1874.*		26th Dec., 1874.
			Chap. 1. An Act to amend the Act passed in the 30th year of the reign of Her Majesty Queen Victoria, intituled: "An Act to establish County Courts of Judicature in this Island"	11th Jan., 1875.
			Chap. 8. An Act to consolidate and amend the Laws enabling the Supreme Court of Judicature to order the examination of Witnesses upon Interrogatories and otherwise.	do
			Chap. 13. An Act to incorporate the Prince Edward Island Chamber of Commerce.	do
			Chap. 21. An Act for amending the Law relating to Controvoted Elections of Members to serve in the General Assembly of Prince Edward Island, of providing more effectually for the prevention of Corrupt Practices at Election.	do
				15th Jan., 1875.

38 Vic., 1875. Chapters 1 to 32.	2-5, 7-32.			23rd Nov., 1875.
			Chap. 1. An Act to incorporate the Merchants' Marine Insurance Company of Prince Edward Island.	30th Oct., 1875.
			Chap. 6. An Act to amend the Act to extend the Criminal Jurisdiction of the Police Court in the City of Charlottetown.	do
			Chap. . The Land Purchase Act, 1875.*	14th June, 1875.
39 Vic., 1876. Chapters 1 to 30.		Chap. . An Act to amend "The Land Purchase Act, 1875."*		21st July, 1876.
	1, 4, 6-8, 11-15, 18-20, 22-25, 29-30.			14th Nov., 1876.
			Chap. 2. An Act regulating the sale by License of Spirituous Liquors.	do
			Chap. 5. An Act to facilitate the purchase of the Estates of Proprietors under "The Land Purchase Act, 1875."	21st July, 1876.
			Chap. 9. An Act to amend "The Insolvent Debtors Act."	14th Nov., 1876.
			Chap. 16. An Act allowing the Stipendiary Magistrate of the City of Charlottetown to grant Relief to Insolvent Debtors.	do
			Chap. 17. An Act relating to Coroners' Inquests.	do
			Chap. 21. An Act respecting the Town of Summerside	do
			Chap. 26. An Act to incorporate the Acadia Provident Association.	do
			Chap. 27. An Act for the incorporation of the Victoria Boring and Mining Co.	do
			Chap. . An Act to vest a certain portion of Government House Farm in the City of Charlottetown.*	8th Dec., 1876.
40 Vic., 1877. Chapters 1 to 19.			Chap. 1. The Public Schools Act, 1877.	12th Nov., 1877.
			Chap. 14. An Act to amend an Act to incorporate the Town of Charlottetown.	4th May, 1878.
			Chap. 16. An Act to alter and amend the Act to incorporate the Minister and Trustees of St. James' Church, Charlottetown.	do
			Chap. 20. The Registration of Electors and Ballot Act of Prince Edward Island, 1877.	do
	2-13, 17-19.			do

*Reserved Bills.

PRINCE EDWARD ISLAND—*Continued.*

Year.	Acts Allowed.	Acts Disallowed.	Acts Commented upon but not Disallowed.	Date of Order in Council.
41 Vic., 1878. Chapters 1 to 30.	1-24.			25th June, 1879.
			Chap. . An Act to repeal certain Acts relating to the Church of England in this Province, and to make provisions in lieu thereof.*	do
			Chap. 12. The County Courts Amendment Act.	do
			Chap . An Act to incorporate the Provincial Grand Orange Lodge of Prince Edward Island and the subordinate Lodges in connection therewith *	do
42 Vic , 1879. Chapters 1 to 24.	1-24.			27th April, 1881.
43 Vic., 1880. Chapters 1 to 24.	1-24.			17th Nov., 1881.
			Chap. 13. An Act to amend an Act regulating the sale by license of Spirituous Liquors.	do
44 Vic., 1881. Chapters 1 to 36.	1-17, 19-36.			24th Nov., 1882.
			Chap. 18. An Act respecting the administration by the Crown of the Estates of Intestates in certain cases.	1st Dec., 1882.
45 Vic., 1882. Chapters 1 to 29.	1-29.			26th Feb., 1883.
46 Vic., 1883. Chapters 1 to 29.	1-29.			10th March, 1884.
			Chap. 8. An Act to continue certain Acts therein mentioned, viz.: 24 Vic., Chap. 7, and 26 Vic., Chap. 10.	do

			Chap. 11. An Act relating to the Acts of the Dominion Parliament respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations.	do
			Chap. 25. An Act to incorporate the Island Steam Navigation Company of Prince Edward Island.	do
47 Vic., 1884. Chapters 1 to 26.	1-26.			7th April, 1885.
48 Vic., 1885. Chapters 1 to 17.	1-9, 11-17.			6th March, 1885.
			Chap. 10. An Act to incorporate the Telephone Company of Prince Edward Island.	do
49 Vic., 1886. Chapters 1 to 19.	1-3, 5-19.			5th April, 1887.
			Chap. 4. "An Act respecting the Public Health."	5th April, 1887. 13th Aug., 1887.

NORTH-WEST TERRITORIES.

1878.			[These Ordinances do not appear to have been reported upon.]	
1879.			[These Ordinances do not appear to have been reported upon.]	
1881.	Nos. 1-13.			27th June, 1882.
1882.			[These Ordinances do not appear to have been reported upon]	

NORTH-WEST TERRITORIES—*Concluded.*

Year and Session.	Ordinances Allowed.	Ordinances Disallowed.	Ordinances Commented upon but not Disallowed.	Date of Order in Council.
1883.	Nos. 2-21.		No. 1. An Ordinance respecting Infectious and Contagious Diseases.	30th Sept., 1884.
			No. 2. An Ordinance respecting Municipalities.	do
1884.	Nos. 1-27, 29-36.	No 28. An Ordinance exempting certain Property from Seizure and Sale under Execution.		15th Aug., 1875.
			No. 4. An Ordinance respecting Municipalities.	do
			No. 7. An Ordinance respecting Controverted Elections.	
			No. 31. An Ordinance respecting Preferential Assignments.	do
1884. Nos. 1-36.			No 5. An Ordinance providing for the Organization of Schools in the North-West Territories.	
1885. Nos. 1-22.	Nos. 1-2, 4-14, 16-22.			7th May, 1886.
			No. 3. An Ordinance to amend and consolidate, as amended, the School Ordinance of 1884.	do
			No. 15. An Ordinance to amend, and consolidate as amended, Ordinance No. 1, of 1883, intituled: 'An Ordinance respecting Infectious and Contagious Diseases of Domestic Animals,' and Ordinance No. 15, of 1884, intituled: 'An Ordinance to amend Ordinance No. 1, of 1883, respecting Infectious Diseases of Domestic Animals.'	do

1886. Nos. 1-21.	Nos. 1, 4-8, 10-21.		No. 2. An Ordinance respecting the Administration of Civil Justice.	20th Sept., 1887.
			No. 3. An Ordinance respecting the Incorporation of Joint Stock Companies by Letters Patent.	do
			No 9. An Ordinance to incorporate Companies for the establishment of Cemeteries.	do

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